

**In the Matter of Rosemary Stathakis Cook, Bar No. 006842, PDJ No. 2011-9088 filed December 15, 2011. *Attorney Suspended and Costs imposed.***

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 Rosemary Stathakis Cook for four years, retroactive to October 19, 2010. She was also assessed the costs and expenses of the disciplinary proceeding.

The four-year suspension was based in part on matters unrelated to the practice of law. Respondent was convicted in three unrelated criminal cases. In one case she was convicted of aggravated assault (while driving a vehicle under the influence of alcohol, Respondent caused an accident that resulted in minor injuries to another driver) and in the other two cases she was convicted of aggravated driving under the influence of intoxicating liquor (Respondent had an alcohol concentration of 0.08% or more within two hours of the time of driving while her driver's license or privilege to drive was suspended pursuant to the implied consent law).

Regarding the practice of law, Respondent failed to adequately supervise her non-lawyer employees for a period of months while she was incarcerated. As a result, Respondent's non-lawyer employees failed to adequately and promptly communicate with a number Respondent's clients. Respondent disclosed confidential information to a prospective employee and filed a pleading on a client's behalf three days after the client discharged her from further representation. In addition, Respondent and her non-lawyer employees were unable to locate documents given to her or her staff by a client.

In three unrelated District Court cases, Respondent engaged in conduct prejudicial to the administration of justice. In two cases, Respondent was impaired by alcohol when she appeared before magistrate judges at settlement conferences. In one of those cases, she refused to communicate with the magistrate judge and in the other case she interrupted the magistrate judge to ask inappropriate questions. Following her placement on interim suspension, Respondent failed to notify her clients, opposing counsel, and the courts that she had been suspended; failed to withdraw from further representation of at least some of her clients; failed to file a complete and accurate affidavit with the Disciplinary Commission and the Supreme Court regarding her compliance with the order of interim suspension; failed to close her law office after being suspended on an interim basis; and allowed two non-lawyer employees to manage and operate her law firm.

Aggravating factors: prior disciplinary offenses, a pattern of misconduct, multiple offenses, and substantial experience in the practice of law.

Mitigating factor: personal or emotional problems.

Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.4(a) and/or (b), ER 1.6(a), ER 1.15(a), ER 1.16(a), ER 3.5(d), ER 5.3(a), ER 5.3(b), ER 8.4(b), ER 8.4(d), Rule 41(c), Ariz. R. Sup. Ct., Rule 41(g), Ariz. R. Sup. Ct., and Rule 72, Ariz. R. Sup. Ct. (2010 rule).

The agreement is accepted and costs awarded in the amount of \$3,731.94. The proposed final judgment and order is reviewed, approved and signed.