

FILED

JUN 25 2009

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY C. J. W.

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A SUSPENDED MEMBER) Nos. 07-2154, 08-1427, 08-1577,
OF THE STATE BAR OF ARIZONA,) 08-1886, 08-2231

JEFF C. JACKSON,
Bar No. 014486

RESPONDENT.

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on June 13, 2009, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed April 9, 2009, recommending disbarment, two years of probation upon reinstatement with terms and conditions to be determined upon reinstatement, restitution and costs.

Decision

Having found no facts clearly erroneous, the seven members¹ of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for disbarment, two years of probation with terms and conditions to be determined upon reinstatement, restitution and costs.² The amount of restitution is as follows:

Restitution

Linda Lamore	\$ 675.00
Leilanie Arellano	\$1,300.00

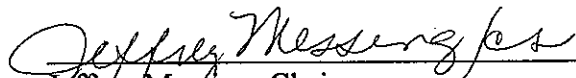
¹ Commissioners Gooding, Horsley and Todd did not participate in these proceedings. Mary Carlton participated as an ad hoc public member.

² A Copy of the Hearing Officer's Report is attached as Exhibit A.

1 Diana Ortiz \$1,500.00
2 Maverick Hughes \$1,100.00
3 Sharon Ziede \$2,500.00
4 **TOTAL** **\$7,075.00**

5 In addition, Respondent shall return to the client in Count Six, Billy Scaggs, all adoption
6 papers and any documents related to the representation.

7 RESPECTFULLY SUBMITTED this 25th day of June, 2009.

8 
9 Jeffrey Messing, Chair
Disciplinary Commission

10 Original filed with the Disciplinary Clerk
11 this 25th day of June, 2009.

12 Copy of the foregoing mailed
13 this 26th day of June, 2009, to:

14 Harlan J. Crossman
15 Hearing Officer 8L
16 3030 North Central Avenue, Suite 801
P.O. Box 33064
Phoenix, AZ 85067-3064

17 Jeff C. Jackson
18 Respondent
19 2020 E. Inverness Avenue, Apt. 1111
Mesa, AZ 85204

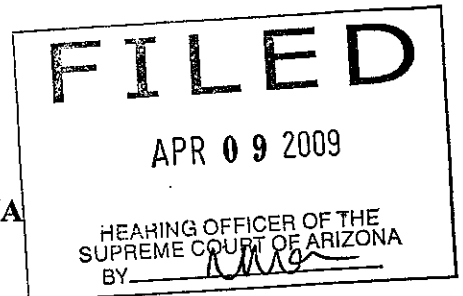
20 Russell J. Anderson
21 Bar Counsel
22 State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

23 by: Evelyn Liza
24 /mps
25
26

EXHIBIT

A

**BEFORE A HEARING OFFICER
OF THE SUPREME COURT OF ARIZONA**



IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
JEFF C. JACKSON,)
Bar No. 014486)
)
RESPONDENT.)
_____)

No. 07-2154, 08-1427, 08-1577
08-1886, 08-2231, 08-1973,
08-2202, 08-2232

HEARING OFFICER'S REPORT

PROCEDURAL HISTORY

1. The State Bar filed a Complaint against the Respondent on 12/24/08. The State Bar had received numerous complaints from clients. The complaints were regarding the Respondent failure to provide adequate representation to the clients as well as not returning the clients' phone calls, among other things. The State Bar tried to contact the Respondent and at times, he would respond, but usually he failed to cooperate. After an investigation by the State Bar, a finding of Probable Cause was issued and a Complaint was filed. After realizing there were additional problems, a First Amended Complaint was filed on 2/13/09. The Respondent failed to respond to either of the Complaints so a Default Judgment was entered on the Amended Complaint on 4/3/09 at the Hearing. The State Bar Exhibits were placed into evidence as well as oral testimony taken at the Hearing. The following facts are found.

FINDINGS OF FACT

Count One

1. Client, Linda Lamore, was never able to get the Respondent to answer her phone calls. At her trial, he was not prepared, which required Ms. Lamore to give him questions to ask.

2. When she attempted to go to his office to get her paperwork back, he had moved, leaving no forwarding address.

Count Two

1. Leilanie Arellano retained the Respondent to obtain a dissolution of her marriage.
2. Respondent did file a Petition for Dissolution, but failed to proceed. The Superior Court filed a Notice of Failure to Serve and Intent to Dismiss.
3. Ms. Arellano provided the Respondent with a Consent Decree for Dissolution of her marriage, but the Respondent failed to file the Consent Decree.
4. The Superior Court dismissed Ms. Arellano's case for failure to serve her husband with a copy of the Petition.
5. Ms. Arellano called numerous times and left messages for the Respondent trying to learn about the status of her case. This was to no avail.
6. The Court dismissed Ms. Arellano's case.
7. The Respondent refused to accept her phone calls.
8. Respondent never entered into a written fee agreement with Ms. Arellano.

Count Three

1. Diana Ortiz appeared and testified before this Hearing Officer.
2. The Superior Court set dates to file a Joint Pre-Hearing statement to complete discovery and complete Disclosure Statements.
3. The Respondent failed to disclose witnesses, failed to disclose exhibits, and failed to submit a holiday schedule and present it to the court as ordered.
4. A Judgment was entered by the court to the other party on the basis that she refused to respond to a reasonable settlement offer and refused to meet with counsel as well as cooperate in drafting a Pre-Trial Statement.
5. The Respondent failed to respond to Ms. Ortiz' numerous telephone calls and e-mails.

6.The other party was awarded a Judgment and attorney's fees. The Court also found the failure to provide the necessary documents in a timely fashion.

7.Ms. Ortiz requested copies of all her documents from the Respondent, but this was never done.

8.The Respondent failed to respond to the State Bar.

Count Four:

1.Maverick Hughes retained the Respondent to help him modify a custody decree.

2. After paying the large part of the attorney's fees, Mr. Hughes could not contact the Respondent by phone, the Respondent failed to file any requests to the Court.

3.A complaint was made to the State Bar.

4.The Respondent failed to respond to the State Bar, and did not file any papers regarding the custody.

Count Five:

1.By four Orders, the Respondent had been placed on probation.

2.These were File Numbers: 06-1369, 06-1559, 06-1663, and 07-0200.

3.By Orders, the Respondent was placed on probation for two years.

4.The Respondent failed to live up to the LOMAP agreement of filing quarterly reports.

5.The Respondent failed to comply with MAP bi-weekly meetings.

6.The Respondent failed to make agreed-upon payments for LOMAP and MAP.

7.The Respondent failed to make payments to Sharon Ziede, by a Fee Arbitration Award.

8.Respondent clearly violated Rules of the Supreme Court's Condition of Probation in all four instances.

Count Six:

1.Billy Skaggs appeared personally and testified before this Hearing Officer.

- 2.He testified that he hired the Respondent to represent him in divorce proceedings.
- 3.After the Respondent completed the proceedings, Mr. Skaggs requested that the Respondent help him formally adopt a daughter.
- 4.Once the adoption was concluded, when Mr. Skaggs requested a copy of the Adoption Papers from the Respondent, the Respondent failed to provide a copy of the signed adoption papers.
- 5.Each time the Respondent called Mr. Skaggs, the Respondent said he would send the papers, but they were never received.
- 6.The Respondent did not cooperate with the State Bar.

Count Seven:

- 1.The Respondent was to represent William Robertson in a divorce proceeding.
- 2.In a Resolution Management Conference, the Respondent failed to appear.
- 3.He did not contact the Court prior to the scheduled conference.
- 4.Even the Court staff was unable to contact the Respondent and his voice-mail box was full.
- 5.The Resolution Management Conference was completed and a trial date was set.
- 6.A copy of the minute entry regarding the trial date was sent to the Respondent.
- 7.The Respondent failed to appear at the trial and no one appeared on the Respondent's behalf.
- 8.The Court staff again tried to contact the Respondent with no success.
- 9.The State Bar was contacted and wrote to the Respondent regarding the above situation.
- 10.The Respondent failed to respond in any manner.
- 11.The failure to appear before the Court in both the Resolution Management Conference and the trial, was prejudicial to the administration of justice.

Count Eight:

- 1.The Respondent and his wife, Tina Jackson, were divorced.
- 2.The Decree of Dissolution mandated that the Respondent was to pay child support.
- 3.A Review and Enforcement Hearing Regarding Child Support was held regarding the Respondent's failure to pay.
- 4.The Respondent was found in contempt of court for failing to pay child support.
- 5.The Court found that the Respondent had knowledge of his obligation to pay child support, had the ability to pay child support, and his willful refusal to pay it.
- 6.The court ordered the Respondent to be incarcerated for contempt of court.
- 7.The Respondent was ordered into the work release program.
- 8.The State Bar tried to find out the specifics about the incidents, but the Respondent never responded.
- 9.The Respondent failed to cooperate with the officials and the staff at the State Bar.
- 10.This Hearing Officer finds a total disregard of the Respondent's obligations as a member of the legal profession to his clients, the legal system, and the obligations of representation.
- 11.This Hearing Officer further finds that there is a total disrespect by the Respondent in his failure to acknowledge and/or respond to telephone calls, e-mails, letters from clients, and to the State Bar.
- 12.This Hearing Officer further finds that the failure to appear at the disciplinary hearing set in this matter is another example of the Respondent's total disregard for the legal system, the Supreme Court and its disciplinary division.

CONCLUSIONS OF LAW

- 1.On numerous occasions, the Respondent did not act with reasonable diligence in representing his clients and is in violation of E.R. 1.3.
- 2.The Respondent is in violation of E.R. 1.4(a) and E.R. 1.4 (a)(4).

3.The Respondent is in violation of E.R. 1.5(a) and E.R. 1.5(b).

4.The Respondent is in violation of E.R. 1.15(d), E.R. 1.16, E.R. 3.2, 3.4(a) &(d), E.R. 8.1(b) E.R. 8.4(d) and Rule 53, Ariz.R.Sup.Ct., (c),(d), and (f).

A.B.A. STANDARDS

When there are numerous counts of misconduct, sanctions can be greater than for any one charge. In In re Redeker, 177 Ariz. 305, 868 P.2d 318 (1994).

When reviewing standards which are 4.41, 4.61, 5.11(b) and 7.1., disbarment appears to be the appropriate sanction.

Standard 4.41 clearly deals with disbarment when a lawyer abandons their practice and causes serious or potentially serious injury to a client.

1. The Respondent continuously left his clients without representation and without knowledge as to what was occurring. In the one case, the adverse party to the Respondent's client, received a judgment in excess of \$12,000 in fees and costs. In File Number 08-1886, the Respondent did no work for the client, but kept his retainer. In File Number 08-2231, the Respondent missed hearings as well as the actual trial, even though the Court attempted to contact him. In File Number 08-2202, the Respondent missed hearings as well as the actual trial. These cases clearly reflect the actual and potential injury to the clients by the Respondent.
2. Standard 4.61 provides that disbarment is appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another and causes serious injury or potentially serious injury. Respondent clearly in File Numbers 08-1427 and 08-1886 received retainers from the clients, but never performed any duties. He told them he would do something, but never

did.

3. Standard 5.11(b) provides that disbarment is appropriate when a lawyer engages in intentional conduct that involves dishonesty, fraud, deceit or misrepresentation. The Respondent's collective conduct demonstrates a pattern where the Respondent made promises that certain work would be performed, but then failed to perform the promises.'
4. The Respondent kept the advanced fees without doing any work.
5. The Respondent also failed to follow the Court's Order and, in one case, failed to withdraw from a client's case in another. This was after he agreed to perform personal obligations under MAP and LOMAP.
6. Standard 7.1 provides that disbarment is appropriate when a lawyer engages in conduct that is a violation of a duty owed as a professional, with the intent for the lawyer which causes serious or potential injury to the client, the public, or the legal system.
7. In this situation, the Respondent abandoned his clients, gave no respect to the Courts and their trial dates, kept fees when he did no work, and failed to respond to the State Bar's investigative inquiry. He clearly should be disbarred and made to read the Arizona Rules of Professional Conduct Preamble, "The Lawyer's Responsibilities."

A: The Duty Violated

The Respondent's responsibility to represent his clients and to communicate with them.

B: The Lawyer's Mental State

The Respondent demonstrated clearly that he did not care about the results of his actions or inactions or the affect it had on his clients.

C: Actual or Potential Injury

See above Findings of Fact.

D: Aggravating and Mitigating Circumstances

Aggravating Circumstances: *Standard 9.22(a)*, Prior Disciplinary Offenses

Standard 9.22(b), Dishonest or Selfish Motive; The failure to return fees when no work was done.

Standard 9.22(c), Pattern of Misconduct; There is a pattern of non-communication and total disrespect for the legal system.

Standard 9.22(d), Multiple Offenses; The Respondent's misconduct spans eight counts with twelve client victims.

Standard 9.22(e), Bad Faith Obstruction; The Respondent refused to respond to the State Bar's investigation, failed to comply with his verbal promises, and failed to attend a hearing of the Supreme Court.

Standard 9.22(i), Substantial Experience in the Practice of Law; The Respondent has sixteen years experience.

Mitigating Circumstances: *Standard 9.31(k)*. The Respondent was incarcerated and placed on the work-furlough program for his failure to pay child support.

PROPORTIONALITY

This Hearing Officer finds In re Brown, SB-05-0054-D (2005) right on point. The lawyer was disbarred and ordered to pay restitution and serve two years probation upon any reinstatement. The lawyer had taken money from clients, and then abandoned their cases, and refused to communicate with the clients or refuse their documents. This is very similar to the case at bar.

CONCLUSION

The Respondent's conduct in this case under the Standards and Proportionality, supports disbarment. It is this Hearing Officer's opinion that the Respondent should be disbarred from the practice of law and given two years probation upon any reinstatement.

The party in Count Number One, Linda Lamore, is granted restitution in the amount of \$675.00.

In Count Number Two, Leilanie Arellano is granted restitution in the amount of \$1300.

In Count Number Three, Diana Ortiz is granted restitution in the amount of \$1500.

In Count Four, Maverick Hughes is granted restitution in the amount of \$1100.

In Count Five, Sharon Ziede is granted restitution in the amount of \$2500.

In Count Six, Billy Skaggs is granted the return of all adoption papers and other papers relating to the representation.

The State Bar is granted attorney's fees and costs incurred in these proceedings.

DATED this 9th day of April, 2009.

Harlan J. Crossman /HJM
Harlan J. Crossman
Hearing Officer 8L

Original filed with the Disciplinary Clerk
this 9th day of April, 2009.

Copy of the foregoing mailed
this 16th day of April, 2009, to:

Jeff C. Jackson
Respondent
2020 E Inverness Avenue, Apt 1111
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Russell Anderson
Bar Counsel
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Phoenix, AZ 85016-6288

by: Guelyn Loza