

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**PATRICK CAMUNEZ,**  
**Bar No. 028662**

Respondent.

**PDJ-2015-9083**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 15-0420]

**FILED SEPTEMBER 3, 2015**

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on August 27, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS HEREBY ORDERED** Respondent, **Patrick Camunez**, is suspended for thirty (30) days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this order.

**IT IS FURTHER ORDERED** upon reinstatement, Mr. Camunez shall be placed on probation for a period of one (1) year.

**IT IS FURTHER ORDERED** in addition to his annual Mandatory Continuing Legal Education requirements, Mr. Camunez shall complete the following Continuing Legal Education ("CLE") program(s): 15 hours of ethics CLE, within one year from the date of this order. Mr. Camunez shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes. Mr. Camunez shall contact the Compliance Monitor at 602-340-7258 to make

arrangements to submit this evidence. Mr. Camunez shall be responsible for the cost of the CLE.

### **NON-COMPLIANCE LANGUAGE**

In the event Mr. Camunez 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 thirty (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 Mr. Camunez 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** pursuant to Rule 72 Ariz. R. Sup. Ct., Mr. Camunez shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** Mr. Camunez shall pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,200.00, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

**DATED** this 3rd day of September, 2015.

*William J. O'Neil*

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

Copies of the foregoing mailed/emailed  
this 3rd day of September, 2015.

Bradley F. Perry  
Staff Bar Counsel  
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Respondent

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by: JAlbright

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**PATRICK CAMUNEZ,**  
**Bar No. 028662**

Respondent.

**PDJ-2015-9083**

**DECISION ACCEPTING CONSENT  
FOR DISCIPLINE**

[State Bar No. 15-0420]

**FILED SEPTEMBER 3, 2015**

An Agreement for Discipline by Consent ("Agreement") was filed on August 27, 2015, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct<sup>1</sup>. A Probable Cause Order was filed on July 27, 2015. The Agreement was reached before a formal complaint was filed. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

Rule 57(a)(2) requires admissions be tendered solely "...in exchange for the stated form of discipline..." Under that rule, the right to an adjudicatory hearing is waived only if the "...conditional admission and proposed form of discipline is approved..." If the agreement is not accepted those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding.

Under Rule 53(b)(3), notice of this Agreement was provided to the complainant(s) by letter dated August 24, 2015. Complainant(s) were notified of the

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<sup>1</sup> Unless stated otherwise, all rules referenced are the Arizona Rules of the Supreme Court.

opportunity to file a written objection to the agreement with the State Bar within five (5) days of bar counsel's notice. No objection was received.

Mr. Camunez's transgressions arose when he misrepresented to a potential employer the substance of his prior disciplinary offenses. Mr. Camunez was admonished by the Attorney Discipline Probable Cause Committee on August 29, 2014, for "alter[ing] an e-mail he obtained from the Office of the Chief Counsel, National Guard Bureau, to help facilitate his efforts to secure a promotion while serving in the Arizona National Guard as a civilian government attorney."

While interviewing for a general counsel position in February 2015, Mr. Camunez misrepresented that he was disciplined in 2014 for failing to report a supervisor's breach of attorney/client privilege, not for altering an e-mail.

Mr. Camunez conditionally admits his misconduct violated Rule 42, ER 8.4(b) and Supreme Court Rule 41(g). The parties stipulate to a sanction of a thirty (30) day suspension, one (1) year of probation (15 hours of Continuing Legal Education (CLE)) upon reinstatement, the payment of costs and expenses for \$1,200.00 related to the disciplinary proceedings to be paid within thirty (30) days from this order.

### **Presumptive Sanction**

The parties agree reprimand is the presumptive sanction and that *Standard 5.13* of the American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") applies under these conditional admissions. *Standard 5.13, Failure to maintain Personal Integrity*, provides:

Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.

By providing false information regarding his prior disciplinary offenses, Mr. Camunez knowingly violated his duties to the public and his violations caused potential harm to the public.

### **Aggravation and Mitigation**

Aggravating and mitigating circumstances can serve to either increase or decrease discipline imposed. *Standard 9.21.*

Here, the agreed upon aggravating factors include: 9.22(a) prior disciplinary offenses, 9.22(b) dishonest or selfish motive, and 9.22(c) pattern of misconduct. In mitigation is factor 9.32(e) cooperative attitude toward the disciplinary proceedings.

The parties agree that the above mentioned aggravating factors and the sole mitigating factor, justifies an increase in the presumptive sanction from reprimand to suspension. Specifically, Mr. Camunez was admonished for similar misconduct approximately six months prior to the misconduct here, establishing aggravating factor 9.22(c).

The truth matters. The object of lawyer discipline is to protect the public, the legal profession, the administration of justice, and to deter other attorneys from engaging in unprofessional conduct. *In re Peasley*, 208 Ariz. 27, 38, 90 P.3d 764, 775 (2004). When the truth is not accepted, but instead covered over, then the insights of attorney discipline may never take root and grow. Whatever the cause, Mr. Camunez is encouraged to identify it, uproot it, and determine to be truthful. While attorney discipline is not intended to punish the offending attorney, the sanctions imposed may have that incidental effect. *Id.* As the proposed sanction of suspension and probation meets the objectives of discipline, it is accepted.

**IT IS ORDERED** incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are a thirty (30) day suspension effective thirty (30) days from this order, one year of probation upon reinstatement including 15 hours of CLE in ethics besides his annual requirement, and costs and expenses of the disciplinary proceedings for \$1,200.00. These financial obligations shall bear interest at the statutory rate.

**IT IS FURTHER ORDERED** the Agreement is accepted. Costs as submitted are approved for \$1,200.00, and shall be paid within thirty (30) days of the final order. Now therefore, a final judgment and order is signed this date.

**DATED** 3rd day of September, 2015.

*William J. O'Neil*

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

Copies of the foregoing mailed/emailed  
this 3rd day of September, 2015.

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