

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM L. ASDELL,
Bar No. 017113**

Respondent.

PDJ 2015-9122

FINAL JUDGMENT AND ORDER

[State Bar No. 15-1543]

FILED FEBRUARY 16, 2016

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on January 22, 2016, under Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **William L. Asdell, Bar No. 017113**, is suspended for one (1) year from the practice of law effective 30 days from the date of this order, for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents. If reinstated, Mr. Asdell shall be placed upon such terms and conditions as are ordered upon his reinstatement.

RESTITUTION

IT IS FURTHER ORDERED Mr. Asdell shall pay to the firm of Phillips, Moeller & Conway, PLLC (firm), a total of \$46,325.00 plus interest on the unpaid balance at the statutory rate from the date of this order under the following terms and conditions:

Within thirty (30) days from the date of this order, Mr. Asdell shall pay \$25,000.00 to the firm. Thereafter, Mr. Asdell shall make monthly installment payments of no less than \$3,554.00 to the firm commencing sixty (60) days from the date of this order. Ms. Asdell shall pay the restitution plus accrued interest in full no later than 120 days from the date of this order with interest accruing on the unpaid balance of such amount of restitution at statutory rate from the date of this order.

IT IS FURTHER ORDERED upon reinstatement, Mr. Asdell shall be placed on probation for a period of two (2) years with terms and conditions to be determined at the time of reinstatement.

IT IS FURTHER ORDERED Mr. Asdell shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

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

IT IS FURTHER ORDERED Mr. Asdell 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 16th day of February, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this 16th day of February, 2016, to:

William L Asdell
7453 E Wandering Rd
Tucson, AZ 85750-6214
Email: wla@foothillstrustlaw.com
Respondent

Stacy L Shuman
Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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

by: [AMcQueen](#)

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM L. ASDELL,
Bar No. 017113**

Respondent.

No. PDJ-2015-9122

**DECISION AND ORDER
ACCEPTING AGREEMENT FOR
DISCIPLINE BY CONSENT**

[State Bar File No. 15-1543]

FILED FEBRUARY 16, 2016

An Agreement for Discipline by Consent ("Agreement") was filed on January 22, 2016, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court. A Probable Cause Order was filed on October 16, 2015, and the formal complaint was filed on November 23, 2015. Mr. Asdell filed no answer and default was entered and effective January 12, 2016, prior to the Agreement being 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), complainant(s) were notified of this Agreement by telephone on January 15, 2016, and given the opportunity to file any objections

within five (5) business days. On January 19, 2016, Mr. Conway advised bar counsel there was no objection by the law firm to the proposed Agreement. The misconduct is briefly summarized.

Mr. Asdell's misconduct arose while employed as an attorney by the law firm of Phillips, Moeller & Conway, PLLC (firm). During his employment, he diverted receipt of payment for legal services from clients to himself instead of the firm totaling \$46,325.00. Mr. Asdell conditionally admits he used funds belonging to the firm for his own personal use out of desperation in the face of personal debt problems. The firm terminated Mr. Asdell and he left the firm on December 31, 2014. Thereafter, Ms. Asdell distributed his business card on at least one occasion that still identified him as a member of the firm. He also failed to update his AVVO.com and LinkedIn.com listings identifying him as a member of the firm.

Mr. Asdell conditionally admits violations of Rule 42, ERs 7.1 (communications concerning a lawyer's services), 8.4(b) (criminal conduct), and 8.4(c) (conduct involving dishonest, fraud, deceit or misrepresentation). He conditionally admits his violation of ER 7.1 was negligent and violation of ERs 8.4(b) and (c), were knowing.

The parties stipulate to a sanction of a one (1) year suspension, two (2) years of probation upon reinstatement with terms and conditions to be determined during reinstatement, restitution to the firm for \$46,325.00, and costs within thirty (30) days of the final judgment and order.

The parties agree that suspension is the presumptive sanction and *Standard* 5.12, *Failure to Maintain Personal Integrity*, of the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* applies to Mr. Asdell's particular misconduct. *Standard* 5.12 provides:

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

Mr. Asdell violated his duty to the profession and the public. His misconduct caused actual harm to the profession and the public. Aggravating factors include: 9.22(a) (prior disciplinary offense), 9.22(b) (dishonest or selfish motive), 9.22(i) (substantial experience in the practice of law), and 9.22(k) (illegal conduct). In mitigation are factors 9.32(c) personal or emotional problems, in which medical evidence has been supplemented to support this factor and sealed by protective order, 9.32(e) full and free disclosure to disciplinary Board or cooperative attitude toward proceedings, and 9.32(l) (remorse).

Based on these conditional admissions, the PDJ agrees the proposed sanctions are within the range of reasonableness of a sanction and will fulfill the purposes of discipline.

Now Therefore,

IT IS ORDERED incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: one (1) year suspension, two (2) years of probation upon reinstatement with terms and conditions to be determined upon reinstatement, restitution to the firm for \$46,325.00 as set forth in the Agreement, and costs within thirty (30) days of the final judgment and order. 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 this date.

The Final Judgment and Order is signed this date.

DATED this 16th day of February, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 16th day of February, 2016.

Stacy L. Shuman
Staff Bar Counsel
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: Stacy.Shuman@staff.azbar.org

William L. Asdell
7453 E. Wandering Road
Tucson, Arizona 85750-6214
Email: wla@foothillstrustlaw.com
Respondent

Lawyer Regulation Records Department
State Bar of Arizona
4201 North 24th Street, Suite 100
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by: AMcQueen

Stacy L Shuman, Bar No. 018399
Bar Counsel - Litigation
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William L Asdell, Bar No. 017113
7453 E Wandering Rd
Tucson, AZ 85750-6214
Telephone 520-906-0607
Email: wla@foothillstrustlaw.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM L ASDELL,
Bar No. 017113,**

Respondent.

PDJ 2015-9122

State Bar File Nos. **15-1543**

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, William L Asdell, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on October 16, 2015, and a formal complaint was filed on November 23, 2015. Respondent has not filed an answer to the complaint. 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.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainant's client, Phillips, Moeller & Conway, PLLC and specifically Will Conway by telephone on January 15, 2016. Complainant was notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. On January 19, 2016, Attorney Conway advised Bar Counsel that the firm does not object to the terms of this agreement.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 7.1 [Communications Concerning a Lawyer's Services], 8.4(b) [Criminal Act], and 8.4(c) [Misconduct]. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Long-Term Suspension and Restitution. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.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 18, 1997.

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.

COUNT ONE (File no. 15-1543/Weatherspoon)

2. In May 2013, Respondent joined Phillips, Moeller & Conway, PLLC (the Firm). All billings for legal services were generated by the Firm and payments of those billings were deposited in the Firm bank account. Billing receipts were then allocated to each member of the Firm based on the member's billings. In addition, each member was responsible to pay overhead and other expenses from receipts allocated to that member.

3. In late 2014, the Firm (through its members Steven Phillips, Kenneth Moeller and William Conway) became concerned about the lack of billings generated by Respondent and the lack of revenue coming to the Firm for legal services provided by him.

4. In early December 2014, the Firm determined that Respondent had diverted receipt of a payment from at least one client away from the Firm.

5. The Firm terminated Respondent's employment, but maintained him on its legal malpractice policy until December 31, 2014, at which time Respondent left the Firm.

6. By email dated March 31, 2015, Respondent unilaterally provided to the Firm a list of all additional clients from whom he accepted payments and retained them instead of turning them over to the Firm: \$19,200 in 2013 and \$27,125 in 2014, for a total of \$46,325.

7. If this matter had gone to hearing, Respondent would have testified that he sent the March 31, 2015 email because he wanted to make full restitution to the Firm. It was Respondent's understanding, at that time, that the Firm was not aware of the total amount of client payments that he had retained.

8. Respondent admits that he "kept the subject client payments out of desperation in the face of personal debt problems that [he] was unable to address by means of personal resources or credit."

9. Respondent admits that he used "receipts which rightly belonged to the Firm for [his] own personal purposes."

10. During a legal seminar in March 2015, Respondent handed out at least one business card that identified him as a member of the Firm, even though he had left the firm on December 31, 2014. He also maintained AVVO.com and LinkedIn.com listings that identified him as being a member of the Firm as of June 5th and 8, 2015, respectively.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are 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 by engaging in the misconduct described above, Respondent violated several ethical rules including the following: ER 7.1 [Communications Concerning a Lawyer's Services] (A lawyer shall not make or knowingly permit to be made on a lawyer's behalf a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading), ER 8.4(b) [Misconduct] (It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and

ER 8.4(c) [Misconduct] (It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation).

CONDITIONAL DISMISSALS

None.

RESTITUTION

Respondent and the State Bar of Arizona agree that Respondent shall pay to Phillips, Moeller & Conway, PLLC as restitution the amount of \$46,325, together with interest accruing on the unpaid balance of such amount at the statutory rate, from the date of the Order accepting this agreement and issuing a Judgment herein (the Order).

Respondent shall pay the restitution to Phillips, Moeller & Conway, PLLC pursuant to the following schedule: \$25,000 within 30 days of the date of the Order. Thereafter, Respondent shall make monthly installment payments of no less than \$3,554, which shall commence 60 days from the date of the Order. Respondent shall pay the restitution in full no later than 210 days from the date of the Order.

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 sanctions are appropriate: In addition to paying Restitution as set forth above, Respondent shall be suspended from the practice of law in Arizona for a period of one (1) year. Upon reinstatement, Respondent shall be placed on probation for two (2) years and be subject to such terms and conditions of probation as ordered by the Court. If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought against him.

NON-COMPLIANCE

In the event that Respondent fails to comply with the terms of probation upon his reinstatement to the practice of law in Arizona 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 a term of probation, 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 *Standard* 5.12 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 5.12 provides that suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in *Standard* 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

The duty violated

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

The lawyer's mental state

For purposes of this agreement, the parties agree that Respondent knowingly violated ERs 8.4(c) and (d) and negligently violated ER 7.1, and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual harm to the profession and the public.

Aggravating and mitigating circumstances

For purposes of this agreement, the parties agree that the presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(a) prior disciplinary offense. State Bar Case No. 13-2356 (2014) Violation of ER 1.16(d). Admonition with Probation (LOMAP and LRO MAP).

Standard 9.22(b) dishonest or selfish motive.

Standard 9.22(i) substantial experience in the practice of law. Respondent was admitted to practice law in Arizona in 1997.

Standard 9.22(k) illegal conduct.

In mitigation:

Standard 9.32(c) personal or emotional problems. The parties intend to file, under separate cover, documentation in support of this mitigating factor, along with a request for a protective order.

Standard 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

Standard 9.32(l) remorse.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate.

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: a long term suspension will serve the purposes of lawyer discipline under the circumstances.

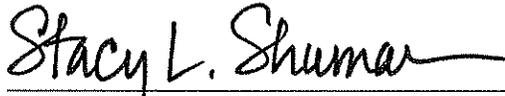
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

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 Long-Term Suspension. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 20th day of January 2016

STATE BAR OF ARIZONA



Stacy L Shuman
Staff 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 January, 2016.

William L Asdell
Respondent

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 Long-Term Suspension. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 20th day of January 2016

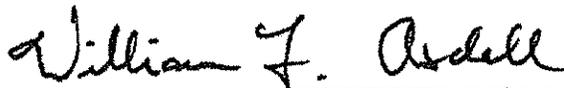
STATE BAR OF ARIZONA



Stacy L. Shuman
Staff Bar Counsel

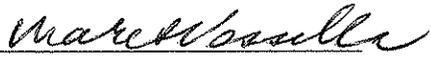
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property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

DATED this 21st day of January, 2016.



William L. Asdell
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
of the Supreme Court of Arizona
this 20th day of January, 2016.

Copy of the foregoing emailed
this 20th day of January, 2016, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 20th day of January, 2016, to:

William L Asdell

7453 E Wandering Rd
Tucson, AZ 85750-6214
Email: wla@foothillstrustlaw.com
Respondent

Copy of the foregoing hand-delivered
this 20th day of January, 2016, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

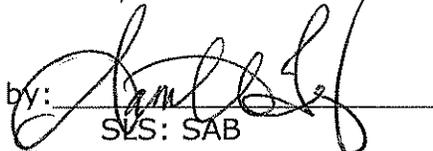
by: 
SLS: SAB

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
William L. Asdell, Bar No. 017113, Respondent

File No. 15-1543

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

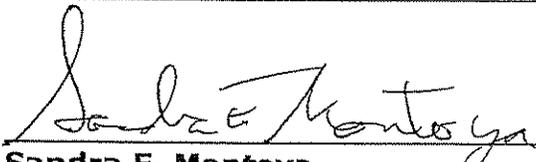
\$1,200.00

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

Total for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00



Sandra E. Montoya
Lawyer Regulation Records Manager

12-30-15

Date

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM L ASDELL,
Bar No. 017113,**

Respondent.

PDJ 2015-9122

FINAL JUDGMENT AND ORDER

[State Bar No. 15-1543]

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 L Asdell**, is hereby suspended for one (1) year. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order or _____.

IT IS FURTHER ORDERED that, pursuant to the schedule set forth in the Agreement for Discipline by Consent, Respondent shall pay Phillips, Moeller & Conway, PLLC \$46,325.00 as Restitution together with interest accruing on the unpaid balance of such amount of Restitution at the statutory rate from the date of this Order.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two (2) years.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

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 \$ _____, within 30 days from the date of service of this Order.

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 _____, within 30 days from the date of service of this Order.

DATED this _____ day of January, 2016

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 January, 2016.

Copies of the foregoing mailed/mailed
this _____ day of January, 2016, to:

William L Asdell
7453 E Wandering Rd
Tucson, AZ 85750-6214
Email: wla@foothillstrustlaw.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of January, 2016, to:

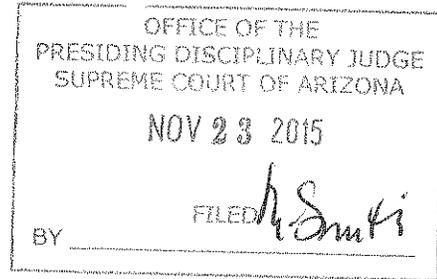
Stacy L Shuman
Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this _____ day of January, 2016 to:

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

by: _____

Stacy L. Shuman, Bar No. 018399
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7247
Email: LRO@staff.azbar.org



**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**WILLIAM L. ASDELL,
Bar No. 017113,**

Respondent.

PDJ 2015- 9122

COMPLAINT

[State Bar No. 15-1543]

Complaint is made against Respondent as follows:

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 18, 1997.

COUNT ONE (File no. 15-1543/Weatherspoon)

2. In May 2013, Respondent joined Phillips, Moeller & Conway, PLLC (the Firm). All billings for legal services were generated by the Firm and payments of those billings were deposited in the Firm bank account. Billing receipts were then allocated to each member of the Firm based on the member's billings. In addition,

3. In late 2014, the Firm (through its members Steven Phillips, Kenneth Moeller and William Conway) became concerned about the lack of billings generated by Respondent and the lack of revenue coming to the Firm for legal services provided by him.

4. In mid-December 2014, the Firm determined that Respondent had been diverting receipts from clients away from the Firm.

5. Respondent admits that he "kept the subject client payments out of desperation in the face of personal debt problems that [he] was unable to address by means of personal resources or credit."

6. Respondent admits that he used "receipts which rightly belonged to the Firm for [his] own personal purposes."

7. The Firm terminated Respondent's employment, but maintained him on its legal malpractice policy until December 31, 2014, at which time Respondent left the Firm.

8. By email dated March 31, 2015, Respondent provided the Firm with a list of clients from whom he accepted payments in 2013 and 2014 and that he retained for himself instead of turning them over to the Firm: \$19,200 in 2013 and \$27,125 in 2014 for a total of \$46,325.

9. During a legal seminar in March 2015, Respondent handed out an unknown number of business cards that identified him as a member of the Firm, even though he had left the firm on December 31, 2014. He also maintained AVVO.com and LinkedIn.com listings that identified him as being a member of the Firm as of June 5th and 8, 2015, respectively.

10. By engaging in the misconduct described above, Respondent violated several ethical rules including, but not limited to the following ethical rules.

11. ER 7.1 [Communications Concerning a Lawyer's Services] A lawyer shall not make or knowingly permit to be made on a lawyer's behalf a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

12. ER 8.4(b) [Misconduct] It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

13. ER 8.4(c) [Misconduct] It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

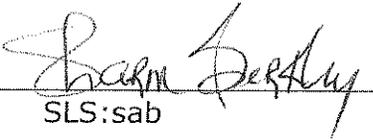
DATED this 23rd day of November, 2015.

STATE BAR OF ARIZONA



Stacy L. Shuman
Bar Counsel - Litigation

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 23rd day of November, 2015.

by: 
SLS:sab

FILED

OCT 16 2015

STATE BAR OF ARIZONA

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

BY

Paul E. Montoya

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

WILLIAM L. ASDELL,
Bar No. 017113,

Respondent.

No. 15-1543

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on October 9, 2015, 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 5-0-4¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-1543.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the 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 16 day of October, 2015.

Lawrence F. Winthrop

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

¹ Committee members Ben Harrison, Karen E. Osborne, Jeffrey G. Pollitt, and William J. Friedl did not participate in this matter.

Original filed this 19th day
of October, 2015, with:

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

Copy mailed this 19th day
of October, 2015, to:

William L. Asdell
7453 E. Wandering Road
Tucson, Arizona 85750-6214
Respondent

Copy emailed this 19th day
of October, 2015, to:

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by: 