

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JOHN G. PATTULLO,
Bar No. 006195**

Respondent.

PDJ-2015-9110

[State Bar File Nos. 14-3522, 15-
0181, 15-1264, 15-1637]

FINAL JUDGMENT AND ORDER

FILED FEBRUARY 2, 2016

This matter was heard by a Hearing Panel which rendered its decision. No appeal has been filed and the time for appeal has passed.

Accordingly,

IT IS ORDERED Respondent, **JOHN G. PATTULLO, Bar No. 006195**, is disbarred from the State Bar of Arizona effective January 15, 2016, and his name is hereby stricken from the roll of lawyers for conduct in violation of his duties and obligations as a lawyer as stated in the Hearing Panel's Decision and Order Imposing Sanctions filed January 15, 2016.

Mr. Pattullo is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the Court. Mr. Pattullo shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED Mr. Pattullo shall pay restitution to the following individuals in the following amounts:

RESTITUTION

- a. Four Hundred Fifty Dollars (\$450.00) to Robert Sharkey (Count 1),
- b. Two Thousand Three Hundred Dollars (\$2,300.00) to Staci Pierson (Count 3), and
- c. Seven Hundred Ninety-Eight Dollars (\$798.00) to Karen Casassa (Count Four). One Thousand Seven Hundred Dollars (\$1,700) in total, not severely or in addition to her small claims judgement totaling \$902.00.

IT IS FURTHER ORDERED granting Judgment to the State Bar of Arizona for costs in the amount of \$4,031.33 with interest as provided by law. 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 2nd day of February, 2016.

William J. O'Neil

William J. O'Neil
Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 2nd day of February, 2016, to:

John G. Pattullo
P.O. Box 5484
Scottsdale, AZ 85261-5454
Email: jpatullo@cox.net and jpattullo@cox.net
Respondent

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 200
Phoenix, Arizona 85016-6288

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JOHN G. PATTULLO,
Bar No. 006195**

Respondent.

PDJ 2015-9110

**DECISION AND ORDER IMPOSING
SANCTIONS**

[State Bar File Nos. 14-3522, 15-0181,
15-1264, and 15-1637]

FILED JANUARY 15, 2016

PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint on October 20, 2015. On October 21, 2015, the complaint was served on Respondent by certified, delivery restricted mail, and by regular first class mail, under Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge ("PDJ") was assigned to the matter. A notice of default was properly issued on November 17, 2015. Mr. Pattullo filed no answer or otherwise defended against the complainant's allegations. Default was effective on December 9, 2015. On that date the disciplinary clerk sent a notice of the aggravation and mitigation hearing scheduled for January 5, 2016 at 2:00 p.m., at the State Courts Building, 1501 West Washington, Phoenix, Arizona 85007-3231. On January 5, 2016, the hearing took place before the Hearing Panel, comprised of James Marovich, attorney member, and Howard Weiske, public member.

FINDINGS OF FACT

The facts listed below are those set forth in the SBA's complaint and were deemed admitted when the default against Respondent was entered. A respondent against whom a default has been entered may no longer litigate the merits of the factual allegations, but retains the right to appear and participate in the hearing that will determine his sanctions. Included with that right to appear is the right to testify and the right to cross-examine witnesses, in each instance only to establish facts related to aggravation and mitigation.

GENERAL ALLEGATIONS

1. Mr. Pattullo was licensed to practice law in Arizona on May 10, 1980.
2. Mr. Pattullo was suspended for three years from the practice of law effective April 13, 2015, in PDJ 2014-9098. The decision and order imposing the three-year suspension was filed March 12, 2015.

COUNT ONE (File No.14-3522/Sharkey)

3. Complainant was appointed Administrator of his daughter's estate by a court in Austin, Texas in March 2013.
4. Complainant's daughter had a condominium in Fountain Hills, Arizona severely "under water." Complainant contacted Mr. Pattullo because he believed that an ancillary proceeding was necessary to deal with the condominium.
5. Complainant talked to Mr. Pattullo on February 4, 2014, and then paid Respondent an initial advanced fee of \$1,500. Although the fee was discussed, Respondent never sent a written letter or fee agreement to Complainant explaining the basis of the fee or the representation.

6. On February 5, 2014, Complainant received a copy of the title documents from Mr. Pattullo. Complainant responded on February 6, 2014, and asked for advice on how to proceed. Mr. Pattullo did not respond.

7. Complainant emailed Mr. Pattullo on February 12, 2014, again asking for advice on how to respond to the mortgage servicer, who had been in touch with Complainant. Mr. Pattullo did not respond.

8. Complainant called Respondent on February 13, 2014, but was told Mr. Pattullo was not in the office. Mr. Pattullo did not return the phone call.

9. Complainant emailed Mr. Pattullo on February 15, 2014, and fired him. Complainant asked for a refund, minus whatever it cost Respondent to retrieve the title documents.

10. Mr. Pattullo called Complainant and told him he was sorry about the lack of communication and told Complainant he would respond on how to proceed by February 19, 2014. Mr. Pattullo failed to contact Complainant by that date.

11. Complainant eventually let the condominium go into foreclosure, and again asked Mr. Pattullo for a refund. As of December 3, 2014, Mr. Pattullo had failed to return the unearned fees.

12. By engaging in the misconduct described above, Mr. Pattullo violated several ethical rules including, but not limited to:

a. E.R. 1.2 (scope of representation)(a lawyer shall abide by a client's decisions concerning the objectives of the representation);

b. E.R. 1.3(diligence)(a lawyer shall act with reasonable diligence and promptness in representing a client);

c. E.R. 1.4(communication)(a lawyer shall keep the client informed and consult with the client as needed);

d. E.R. 1.16(d)(terminating representation)(a lawyer shall surrender unearned fees to a client at the end of the representation);

e. E.R. 8.1(b) and Rule 54(d)(failing to provide requested information)(a lawyer shall not knowingly failing to respond to the State Bar's request for information).

COUNT TWO (File No. 15-0181/Oles)

13. In 2007 or 2008, Complainant and her husband paid Mr. Pattullo \$700 to prepare a will.

14. In October 2014, Complainant asked Mr. Pattullo to give her the original will and Respondent told her she could pick it up at his office. However, when Complainant went to Respondent's office to pick it up, he gave her excuses why he did not have it.

15. In December 2014, Complainant attempted to retrieve the will again and Respondent advised her he could not give it to her because it was in storage.

16. On February 3, 2015, the State Bar sent an initial screening letter to Respondent's address of record with the State Bar. Mr. Pattullo failed to respond:

You were sent a screening letter in this file on February 3, 2015. The complainant is Susan Oles and she says that you have her original will in storage and cannot retrieve it because you can't pay the storage fees. On February 17, 2015, you apparently lied when you testified that you do not have any original wills in storage. Please explain why this conduct does not violate ERs 3.3(a), 8.1(a) and (b), and 8.4(c). **You have until the end of the day to respond.**

17. Mr. Pattullo failed to respond.

18. By engaging in the misconduct described above, Mr. Pattullo violated several ethical rules including, but not limited to:

- a. E.R. 1.15(d)(safekeeping client property)(a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive);
- b. E.R. 1.16(d)(terminating representation)(upon termination of representation, a lawyer shall surrender documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Upon the client's request, the lawyer shall provide the client with all of the client's documents);
- c. E.R. 3.3(a)(candor toward the tribunal)(a lawyer shall not knowingly make a false statement of fact or law to the tribunal);
- d. E.R. 8.1(a) and (b)(a lawyer shall not knowingly fail to respond to the State Bar's request for information);
- e. E.R. 8.4(c)(misconduct)(a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

COUNT THREE (File No. 15-1264/Bilyeu)

19. On March 11, 2015, Complainant, an out-of-state attorney, called Mr. Pattullo because her client needed a small probate matter taken care of in Arizona. The client also talked to Respondent.

20. On March 16, 2015, the client hired Mr. Pattullo and paid him \$2,300. Respondent did not advise Complainant or her client about his pending suspension arising from the decision and order imposing a three-year suspension filed March 12, 2015.

21. Complainant mailed the decedents original will to Mr. Pattullo and asked him to prepare the paperwork so Respondent could file the petition when they finished a short sale on some real property in the decedent's trust.

22. The last time Complainant and her client heard from Mr. Pattullo was April 9, 2015. Complainant and her client tried to call and email Mr. Pattullo several times, but he did not respond.

23. On May 19, 2015, Complainant called the State Bar and discovered Mr. Pattullo was suspended.

24. Mr. Pattullo returned none of the client's funds, but they could not get the original will back from him.

25. By engaging in the misconduct described above, Mr. Pattullo violated several ethical rules including, but not limited to:

- a. E.R. 1.2(scope of representation)(a lawyer shall abide by a client's decisions concerning the objectives of the representation);
- b. E.R. 1.4(communication)(a lawyer shall keep the client informed and consult with the client as needed);
- c. E.R. 1.5(fees)(a lawyer shall not charge an unreasonable fee);
- d. E.R. 8.4(c)(misconduct)(a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation);
- e. Rule 72, Ariz. R. Sup. Ct. (notice of discipline)(within 10 days of an order of suspension, a lawyer shall notify the people and entities listed in the rule and inform them that the lawyer is ineligible to practice law).

COUNT FOUR (File No. 15-1637/Casassa)

26. In 2013, Mr. Pattullo originally prepared Complainant's will.

27. On March 12, 2015, an order suspending Mr. Pattullo from the practice of law for three-years issued which suspension was effective April 13, 2015.

28. Complainant sought to update her will and paid him for those services. Thereafter, Mr. Pattullo failed to respond to her telephone calls or her emails.

29. On May 22, 2015, Mr. Pattullo called Complainant and said that he had health issues and his doctor told him to stop practicing law. Mr. Pattullo assured Complainant he would finish her will and mail it to her for her review.

30. Complainant waited approximately two weeks, and when she did not hear from Mr. Pattullo, she went to his office. Someone at the office told Complainant that Respondent had moved, but left no forwarding address or telephone number.

31. Mr. Pattullo did not revise Complainant's will and did not return her \$1,700.

32. On July 21, 2015, the State Bar sent Mr. Pattullo a screening letter to Mr. Pattullo giving him until August 10, 2015 to respond to Complainant's allegations. Mr. Pattullo did not respond.

33. By engaging in the above referenced misconduct, Mr. Pattullo violated the following ethical rules:

- a. E.R. 1.2(scope of representation)(a lawyer shall abide by a client's decisions concerning the objectives of the representation);
- b. E.R. 1.4(communication)(a lawyer shall keep the client informed and consult with the client as needed);
- c. E.R. 1.5(fees)(a lawyer shall not charge an unreasonable fee);
- d. E.R. 1.16(d)(terminating representation)(upon termination of representation, a lawyer shall refund any advance payment of a fee that has not been earned);
- e. ER 8.4(c)(misconduct)(a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation);

f. Rule 72, Ariz. R. Sup. Ct. (notice of discipline)(within 10 days of an order of suspension, a lawyer shall notify the people and entities listed in the rule and inform them that the lawyer is ineligible to practice law).

CONCLUSIONS OF LAW

Mr. Pattullo failed to file an answer or otherwise defend against the allegations in the SBA's complaint. Default was properly entered and the allegations are therefore deemed admitted under Rule 58(d), Ariz. R. Sup. Ct. Although the allegations are deemed admitted by default, there has also been an independent determination by the Hearing Panel that the State Bar has proven by clear and convincing evidence that Mr. Pattullo violated the following ethical rules: Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.2, 1.3, 1.4, 1.5, 1.15(d), 1.16(d), 3.3(a), 8.1(a)and (b), 8.4(c) and (d), Rule 54(c), (d)(1) and (2), and Rule 72.

ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should consider: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*. Witnesses testified at hearing regarding the harm Mr. Pattullo's conduct caused, including testimony regarding restitution.

Duties violated:

Mr. Pattullo violated his duty to his clients by violating ERs 1.2, 1.3, 1.4, 1.5 and 1.16. Respondent violated his duty to the legal system by violating ER 3.3(a).

Mr. Pattullo also violated his duty owed as a professional by violating ERs 8.1(a) and 8.4(c) and (d), Rule 54(c), (d)(1) and (2) and Rule 72.

Mental State and Injury:

Mr. Pattullo violated his duty to clients, implicating *Standard 4.4*. *Standard 4.41* states:

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client;
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

Standard 4.42 states:

Suspension is generally appropriate when:

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

The facts and testimony establish Mr. Pattullo took client funds, but performed no substantive services. In two counts, Mr. Pattullo took funds just weeks before he was to start a three-year suspension, did no work, and failed to refund the unearned fees to his clients. He knowingly failed to perform services for clients and engaged in a pattern of neglect of client matters, all which caused serious or potentially serious injury to clients. Therefore, *Standard 4.41* applies.

Mr. Pattullo also violated his duty owed as a professional, which implicates *Standard 7.0*. *Standard 7.1* states, "Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system."

Standard 7.2 states, "Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system."

Mr. Pattullo failed to substantively respond to the SBA's investigation. Further, Mr. Pattullo actions were taken intending to obtain a personal benefit. *Standard 7.1*, therefore, applies.

DISCUSSION

Mr. Pattullo excused his behavior in these cases solely on the basis of health issues he experienced over the past six months. Specifically, Mr. Pattullo stated that a certain medication, Tramadol, affected his brain and mental processes. However, Mr. Pattullo offered no supporting evidence. The panel found this excuse insufficient in light of Mr. Pattullo's apparent mental abilities.¹

Regarding Count Four, after Mr. Pattullo failed to provide the work he was hired to perform or provide a refund for that complainant. She took the matter to small claims court. Although complainant found him unreachable leading up to the hearing, Mr. Pattullo arrived to the small claims court to defend himself. Not only was he mentally capable of representing himself, Mr. Pattullo was partially successful in the matter.² This showing of mental ability was during the timeframe Mr. Pattullo was

¹ The Hearing Panel found that Respondents ability to acquire new work, even with a pending suspension, rebutted his assertions that his brain was negatively impaired to the point that he could not fulfil the legal services he was paid to perform.

² Mr. Pattullo arrived to the small claims hearing with minor revisions to Ms. Casassa's will. However, because the Judge was unable to determine "whether the changes were made months ago or three days ago," the Judge awarded Ms. Casassa her court fees and half the amount she pled, together totaling approximately \$902.00.

taking Tramadol. Therefore his excuse was unpersuasive.³ Mr. Pattullo did not dispute the testimony of complainant that the revised will had never been delivered to his client. From his testimony we conclude he did not try to deliver the revised will prior to the small claims hearing.

AGGRAVATING AND MITIGATING FACTORS

The Hearing Panel finds the following aggravating factors are present in this matter:

- *Standard 9.22(a)*(prior discipline) – Respondent is on a three-year suspension for similar, if not identical, misconduct.
- *Standard 9.22(c)*(pattern of misconduct) - dishonest or selfish motive. Respondent has taken client funds and failed to return them.
- *Standard 9.22(e)*(bad faith obstruction of the disciplinary proceeding) – Respondent failed to respond numerous times during the State Bar’s investigation.
- *Standard 9.22(i)*(substantial experience in the practice of law) – Respondent has been an Arizona lawyer for 35 years.

The Hearing Panel finds no mitigating factors. Respondent explained that he was frequently hospitalized and on medication that affected his ability to think, but no evidence was presented to support these assertions. Respondent’s alleged medical conditions did not affect his ability to go to small claims court. Mr. Pattullo

³ Mr. Pattullo’s questioning of Ms. Casassa during her testimony also resonated negatively on the Hearing Panel during deliberations. In response to Ms. Casassa’s testimony that she went to Respondent’s office to find he had moved and provided no forwarding address, Mr. Pattullo attempted to shift blame to Ms. Casassa for failing to locate him. He said, among similar inquires, “did you try looking me up on the internet?” Under Rule 1.4, it is the duty of the attorney to maintain consistent communication with the client, not vice versa.

not only showed no remorse for his conduct, he defended it and demanded he be reinstated.

CONCLUSION

The Supreme Court "has long held that 'the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.'" *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Hearing Panel has made the above findings of fact and conclusions of law. The Hearing Panel has determined the sanction using the facts deemed admitted, the testimony of three witnesses, the exhibits, the *Standards*, the aggravating factors, and the goals of the attorney discipline system. The Hearing Panel orders:

1. Mr. Pattullo be disbarred from the practice of law effective immediately.
2. Mr. Pattullo pay all costs and expenses incurred by the SBA and the Office of the Presiding Disciplinary Judge in this proceeding.
3. Mr. Pattullo pay the following in restitution:
 - a. Four Hundred Fifty Dollars (\$450.00) to Robert Sharkey (Count 1),
 - b. Two Thousand Three Hundred Dollars (\$2,300.00) to Staci Pierson (Count 3), and
 - c. Seven Hundred Ninety-Eight Dollars (\$798.00) to Karen Casassa (Count Four). One Thousand Seven Hundred Dollars (\$1,700) in total, not severely or in addition to her small claims judgement totaling \$902.00.

A final judgment and order will follow.

DATED this 15th day of January 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Howard M. Weiske

Howard M. Weiske, Volunteer Public Member

James M. Marovich

James Marovich, Volunteer Attorney Member

Copy of the foregoing emailed/mailed
this 15th day of January, 2016, to:

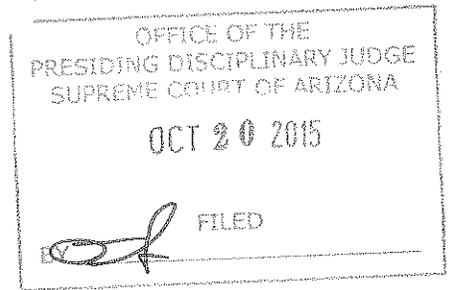
John G. Pattullo
PO Box 5484
Scottsdale, AZ 85261-5484
Email: jpatullo@cox.net
Respondent

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

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

by: AMcQueen

Shauna R. Miller, Bar No. 015197
Senior Bar Counsel - Litigation
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7278
Email: LRO@staff.azbar.org



**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JOHN G. PATTULLO,
Bar No. 006195,**

Respondent.

PDJ 2015-9110

[State Bar File Nos. 14-3522, 15-0181, 15-1264, and 15-1637]

COMPLAINT

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on May 10, 1980.
2. Respondent was suspended for three years from the practice of law effective April 13, 2015, in PDJ 2014-9098. The decision and order imposing the three-year suspension was filed March 12, 2015.

COUNT ONE (File No. 14-3522/Sharkey)

3. Complainant was appointed Administrator of his daughter's estate by a court in Austin, Texas in March 2013.
4. Complainant's daughter had a condominium in Fountain Hills, Arizona that was severely "under water." Complainant contacted Respondent because he believed that an ancillary proceeding was necessary to deal with the condominium.

5. Complainant talked to Respondent on February 4, 2014, and then paid Respondent an initial advanced fee of \$1,500. Although the fee was discussed, Respondent never sent a written letter or fee agreement to Complainant explaining the basis of the fee or the scope of the representation.

6. On February 5, 2014, Complainant received a copy of the title documents from Respondent. Complainant responded on February 6, 2014, and asked for advice on how to proceed. Respondent did not respond.

7. Complainant emailed Respondent on February 12, 2014, again asking for advice on how to respond to the mortgage servicer, who had been in touch with Complainant. Respondent did not respond.

8. Complainant called Respondent on February 13, 2014, but was told Respondent was not in the office. Respondent did not return the phone call.

9. Complainant emailed Respondent on February 15, 2014, and fired him. Complainant asked for a refund, minus whatever it cost Respondent to retrieve the title documents.

10. Respondent called Complainant and told him he was sorry about the lack of communication and told Complainant he would respond on how to proceed by February 19, 2014. Respondent failed to contact Complainant by that date.

11. Complainant emailed Respondent on February 20, 2014, and told Respondent that the mortgage servicer was constantly calling him and Complainant was going to retain another attorney. Complainant again asked for a refund.

12. Complainant eventually let the condominium go into foreclosure, and again asked Respondent for a refund. As of December 3, 2014, Respondent had failed to return the unearned fees.

13. On December 16, 2014, the State Bar sent an initial screening letter to Respondent's address of record with the State Bar. Respondent's response was due January 5, 2015. Respondent failed to respond.

14. By engaging in the above referenced misconduct, Respondent violated the following ethical rules:

- a. ER 1.2(scope of representation)(a lawyer shall abide by a client's decisions concerning the objectives of the representation);
- b. ER 1.3(diligence)(a lawyer shall act with reasonable diligence and promptness in representing a client);
- c. ER 1.4(communication)(a lawyer shall keep the client informed and consult with the client as needed);
- d. ER 1.5(fees)(a lawyer shall not charge an unreasonable fee and shall communicate the scope of the representation and the basis or rate of the fee in writing);
- e. ER 1.16(d)(terminating representation)(a lawyer shall surrender unearned fees to a client at the end of the representation);
- f. ER 8.1(b) and Rule 54(d)(failing to provide requested information)(a lawyer shall not knowingly failing to respond to the State Bar's request for information).

COUNT TWO (File No. 15-0181/Oles)

15. In 2007 or 2008, Complainant and her husband paid Respondent \$700 to prepare a will.

16. In October 2014, Complainant asked Respondent to give her the original will and Respondent told her she could pick it up at his office. However, when Complainant went to Respondent's office to pick it up, he gave her excuses as to why he did not have it.

17. In December 2014, Complainant attempted to retrieve the will again and Respondent advised her that he could not give it to her because it was in storage.

18. Respondent told Complainant that he did not have the money to pay his storage bill so the storage company refused to give him access to the client files he had stored, which included Complainant's original will.

19. On February 3, 2015, the State Bar sent an initial screening letter to Respondent's address of record with the State Bar. Respondent failed to respond.

20. Although Respondent failed to respond in this matter, he did appear on February 17, 2015, at aggravation/mitigation hearing in PDJ 2014-9098. Respondent made misrepresentations during the hearing when he testified that he did not have any original wills in storage.

21. On February 24, 2015, the State Bar sent Respondent the following email:

You were sent a screening letter in this file on February 3, 2015. The complainant is Susan Oles and she says that you have her original will in storage and cannot retrieve it because you can't pay the storage fees. On February 17, 2015, you apparently lied when you testified

that you do not have any original wills in storage. Please explain why this conduct does not violate ERs 3.3(a), 8.1(a) and (b), and 8.4(c). **You have until the end of the day to respond.**

22. Respondent failed to respond.
23. By engaging in the above referenced misconduct, Respondent violated the following ethical rules:
 - a. ER 1.15(d)(safekeeping client property)(a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive);
 - b. ER 1.16(d)(terminating representation)(upon termination of representation, a lawyer shall surrender documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Upon the client's request, the lawyer shall provide the client with all of the client's documents);
 - c. ERs 3.3(a)(candor toward the tribunal)(a lawyer shall not knowingly make a false statement of fact or law to the tribunal);
 - d. 8.1(a) and (b)(a lawyer shall not knowingly fail to respond to the State Bar's request for information);
 - e. 8.4(c)(misconduct)(a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

COUNT THREE (File no. 15-1264/Bilyou)

24. On March 11, 2015, Complainant, an out-of-state attorney, called Respondent because her client needed a small probate matter taken care of in Arizona. The client also talked to Respondent.

25. On March 12, 2015, an order suspending Respondent for three-years was entered in PDJ 2014-9098. The effective date of the suspension was April 13, 2015.
26. On March 16, 2015, the client hired Respondent and paid him \$2,300. Respondent did not advise Complainant or her client about his pending suspension.
27. Complainant mailed the decedents original will to Respondent and asked him to prepare the appropriate paperwork so that Respondent could file the petition as soon as they finished a short sale on some real property that was in the decedent's trust.
28. The last time Complainant and her client heard from Respondent was April 9, 2015. Complainant and her client tried to call and email Respondent several times, but he failed to respond.
29. On May 19, 2015, Complainant called the State Bar and discovered that Respondent was suspended.
30. Respondent did not return any of the client's funds, but they were able to get the original will back from him.
31. By engaging in the above referenced misconduct, Respondent violated the following ethical rules:
 - a. ER 1.2(scope of representation)(a lawyer shall abide by a client's decisions concerning the objectives of the representation);
 - b. ER 1.4(communication)(a lawyer shall keep the client informed and consult with the client as needed);

- c. ER 1.5(fees)(a lawyer shall not charge an unreasonable fee);
- d. ER 1.16(d)(terminating representation)(upon termination of representation, a lawyer shall refund any advance payment of a fee that has not been earned);
- e. ER 8.4(c)(misconduct)(a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation);
- f. Rule 72, Ariz. R. Sup. Ct. (notice of discipline)(within 10 days of an order of suspension, a lawyer shall notify the people and entities listed in the rule and inform them that the lawyer is ineligible to practice law).

COUNT FOUR (File no. 15-1637/Casassa)

- 32. In 2013, Respondent prepared Complainant's will.
- 33. On March 12, 2015, an order suspending Respondent from the practice of law for three-years, effective April 13, 2015, was entered.
- 34. In March 2015, Complainant paid Respondent \$1,700 to revise her will. Respondent did not advise Complainant about his pending suspension. Respondent told her the will would be revised by April when Complainant was scheduled to return from a trip.
- 35. After Complainant returned, Respondent failed to respond to her telephone calls or her emails.
- 36. On May 22, 2015, Respondent called Complainant and said that he had health issues and his doctor told him to stop practicing law. Respondent assured Complainant he would finish her will and mail it to her for her review.

37. Complainant waited approximately two weeks, and when she did not hear from Respondent, she went to his office. Someone at the office told Complainant that Respondent had moved, but did not leave a forwarding address or telephone number.
38. Respondent did not revise Complainant's will and did not return her \$1,700.
39. On July 21, 2015, the State Bar sent Respondent a screening letter to his address of record with the State Bar. Respondent had until August 10, 2015 to respond to Complainant's allegations. Respondent did not respond.
40. By engaging in the above referenced misconduct, Respondent violated the following ethical rules:
 - a. ER 1.2(scope of representation)(a lawyer shall abide by a client's decisions concerning the objectives of the representation);
 - b. ER 1.4(communication)(a lawyer shall keep the client informed and consult with the client as needed);
 - c. ER 1.5(fees)(a lawyer shall not charge an unreasonable fee);
 - d. ER 1.16(d)(terminating representation)(a lawyer shall surrender unearned fees to a client at the end of the representation);
 - e. ER 8.4(c)(misconduct)(a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation);
 - f. Rule 54(d)(grounds for discipline)(a lawyer shall respond promptly to the State Bar's request for information);
 - g. Rule 72, Ariz. R. Sup. Ct. (notice of discipline)(within 10 days of an order of suspension, a lawyer shall notify the people and entities listed

in the rule and inform them that the lawyer is ineligible to practice law).

DATED this 20th day of October, 2015.

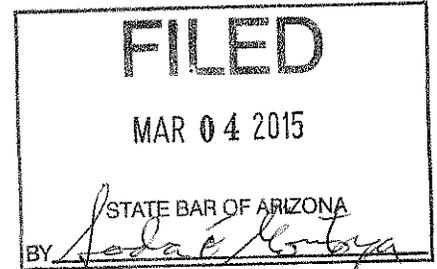
STATE BAR OF ARIZONA



Shauna R. Miller
Senior Bar Counsel - Litigation

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 20th day of October, 2015.

by 
SRM:jao



**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,**

**JOHN G. PATTULLO
Bar No. 006195**

Respondent.

No. 14-3522

PROBABLE CAUSE ORDER

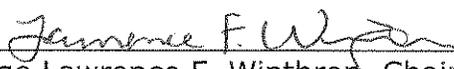
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on February 20, 2015, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 6-0-3¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 14-3522.

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 3 day of March, 2015.



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

¹ Committee members Ella G. Johnson, Ben Harrison and Donald G. Manring did not participate in this matter.

Original filed this 4th day
of March, 2015 with:

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

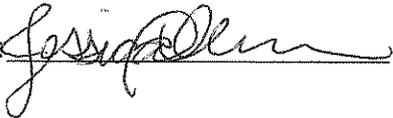
Copy mailed this 5th day
of March, 2015, to:

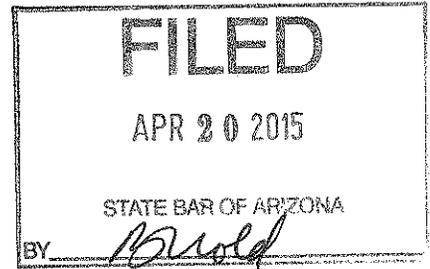
John G. Pattullo
John G. Pattullo, PC
8121 East Indian Bend Road,
Suite 128
Scottsdale, Arizona 85250-4820
Respondent

Copy emailed this 5th day
of March, 2015, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: 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,**

**JOHN G. PATTULLO
Bar No. 006195**

Respondent.

No. 15-0181

PROBABLE CAUSE ORDER

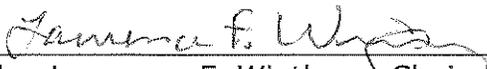
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on April 10, 2015, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-0181.

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 20 day of April, 2015.



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

Original filed this 20 day
of April, 2015, with:

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

Copy mailed this 23 day
of April, 2015, to:

John G. Pattullo
John G. Pattullo, PC
8149 North 87th Place, Suite 102
Scottsdale, Arizona 85258-4399
Respondent

Copy emailed this 23 day
of April, 2015, to:

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

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

by: 

FILED

OCT 16 2015

STATE BAR OF ARIZONA

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

BY

Lawrence F. Winthrop

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

**JOHN G. PATTULLO
Bar No. 006195**

Respondent.

No. 15-1264

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. 15-1264.

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 16 day
of October, 2015, with:

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

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

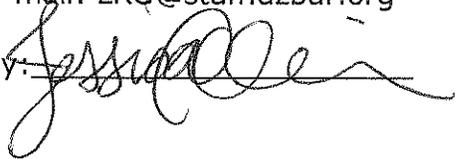
John G. Pattullo
Post Office Box 5484
Scottsdale, Arizona 85261-5484
Respondent

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

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

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRQ@staff.azbar.org

by:



Original filed this 16 day
of October, 2015, with:

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

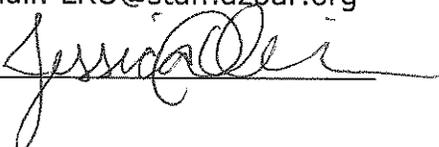
Copy mailed this 19 day
of October, 2015, to:

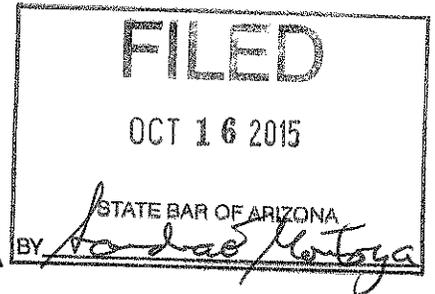
John G. Pattullo
PO Box 5484
Scottsdale, Arizona 85261-5484
Respondent

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

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

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by: 



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

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

**JOHN G. PATTULLO
Bar No. 006195**

Respondent.

No. 15-1637

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. 15-1637.

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.