

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

KATIE LYNN LYONS
Bar No. 025181

Respondent.

PDJ-2015-9121

FINAL JUDGMENT AND ORDER

[State Bar Nos. 13-3124, 14-
2080]

FILED APRIL 25, 2016

This matter was heard by a Hearing Panel (Panel) which rendered its decision under Rule 58, Ariz. R. Sup. Ct. No appeal having been filed and the time to appeal having expired; accordingly,

IT IS ORDERED Respondent, **KATIE LYNN LYONS, Bar No. 025181**, is suspended from the practice of law for a period of three (3) years effective April 6, 2016, for conduct in violation of her duties and obligations as a lawyer as stated in the Panel's Decision and Order Imposing Sanctions filed April 6, 2016.

IT IS FURTHER ORDERED Ms. Lyons shall obtain a Member Assistance Program (MAP) assessment prior to applying for reinstatement.

IT IS FURTHER ORDERED upon reinstatement, Ms. Lyons shall be supervised under such terms and conditions of probation as determined by a hearing panel.

IT IS FURTHER ORDERED Ms. Lyons shall pay the costs and expenses of the State Bar of Arizona in the amount of \$4,094.35. There are no costs or

expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

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

DATED this 25th day of April, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed this 25th day of April, 2016, and mailed April 26, 2016, to:

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

Katie Lynn Lyons
Last Known Address:
PO Box 765
Pinetop, Arizona 85935-0765
Emails: Katiellyons@hotmail.com; Katie@thelyonslawfirm.com
Respondent

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,

**KATIE LYNN LYONS,
Bar No. 025181**

Respondent.

PDJ 2015-9121

**DECISION AND ORDER
IMPOSING SANCTIONS**

[State Bar File Nos. 13-3124 and 14-2080]

FILED APRIL 6, 2016

An aggravation/mitigation hearing was held on March 17, 2016 by an appointed hearing panel comprising of Volunteer Attorney Member, Kenneth L. Mann, Volunteer Public Member Mel M. O'Donnell, and the Presiding Disciplinary Judge, ("PDJ") William J. O'Neil. Senior Bar Counsel, Shauna R. Miller, appeared on behalf of the State Bar. Katie Lyons did not appear. The State Bar moved to have its sixteen exhibits marked into evidence, which was granted by the PDJ. Unless otherwise stated, we make our findings by clear and convincing evidence.

PROCEDURAL HISTORY

Probable cause was found by the Attorney Discipline Probable Cause Committee on July 27, 2015. The State Bar of Arizona ("SBA") filed its complaint on November 9, 2015. On November 12, 2015, the complaint was served on Ms. Lyons 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. Notice of default was entered on December 10, 2015. On December 21, 2015, Ms. Lyons moved for extension of time to set aside default judgment. No

default judgment had been entered, however, default had been entered but was not yet effective. The PDJ extended the effective date of the default, giving Ms. Lyons an additional two weeks to file an answer. On December 31, 2015, she filed her answer.

On January 4, 2016, the disciplinary clerk set a mandatory initial case management telephonic conference (ICMC) for January 14, 2016. Ms. Lyons failed to participate in the ICMC. On January 14, 2016, by order: re case management conference, Ms. Lyons was ordered to file a written explanation for her absence not later than January 22, 2016, which she did. On February 12, 2016, consideration of sanctions for failing to appear at the ICMC were taken under advisement.

On February 26, 2016, Ms. Lyons was summarily suspended under Rule 45(i), Ariz. R. Sup. Ct., for failing to comply with mandatory continuing legal education requirements. On that same date, the State Bar filed its unilateral pre-hearing statement because Ms. Lyons failed to participate in the preparation of a joint pre-hearing statement as required by the ICMC order and Civil Rule 16(g), applicable to discipline matters under Rule 48(b), Ariz. R. Sup. Ct. The State Bar also moved to strike Ms. Lyons' answer and for sanctions. The basis of the motion to strike and for sanctions was Ms. Lyons' failure to provide the State Bar with a disclosure statement, her failure to advise the State Bar of any of her exhibits or witnesses, her failure to participate in the preparation of the joint prehearing statement, and her failure to appear at the ICMC.

On March 1, 2016, the final mandatory case management telephonic conference was held. Ms. Lyons failed to appear. That same day, the PDJ issued sanction orders under Civil Rule 16(i), applicable to discipline matters under Rule 48(b), Ariz. R. Sup. Ct., striking her answer. He also set an aggravation/mitigation

hearing. He found Ms. Lyons' failure to appear a second time, "exacerbates her prior conduct." The State Bar's motion to strike the answer and for sanctions was deemed moot, in light of the ordered sanction.

On March 15, 2016, Ms. Lyons filed an unverified motion for disability inactive status, "requesting Disability Inactive Status, or alternatively, requesting conversion of Ms. Lyons' current Suspended Status to Disability Inactive Status." On March 16, 2016, the State Bar filed its response to Ms. Lyons' motion stating its opposition as the petition was not verified nor "accompanied by affidavits, reports, or other documentation to support a prima facie finding of incapacity." Rule 63(c)(1), Ariz. R. Sup. Ct. For reasons stated in the order of April 6, 2016, the motion was denied

The facts listed below are those set forth in the State Bar's complaint and were deemed admitted by Ms. Lyons' default. 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 the 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. Ms. Lyons did not appear for the aggravation/mitigation hearing. 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 Respondent violated the ethical rules.

FINDINGS OF FACT

1. Ms. Lyons has been an Arizona lawyer since May 24, 2007.

COUNT ONE (File no. 13-3124/Brown)

2. Robert W. Brown (Mr. Brown) was the prosecutor in *State v. Devin Willis*, Flagstaff Municipal Court #TR2013-3312. Devin Willis was the defendant.

3. On June 17, 2013, Mr. Willis was charged with a DUI and was summoned to appear for arraignment on August 8, 2013.

4. On August 7, 2013, Ms. Lyons filed a notice of appearance on behalf of Mr. Willis. [Exhibit 1, Bates stamp 1.]

5. On September 9, 2013, the Municipal Court issued an order setting the pretrial conference on September 27, 2013, a case management conference on October 23, 2013, and a jury trial on November 14, 2013. The court further ordered Mr. Willis to personally appear for all scheduled court dates.

6. Copies of the order were sent to Mr. Brown and Ms. Lyons.

7. Neither Mr. Willis nor Ms. Lyons appeared or contacted the court for the September 27, 2013, pretrial conference.

8. On September 30, 2013, Mr. Brown filed a Rule 15 disclosure notice and sent a copy to Ms. Lyons at the address provided on her notice of appearance.

9. Ms. Lyons filed no Rule 15.2 disclosure notice or notice of defenses, as required.

10. Neither Mr. Willis nor Ms. Lyons appeared or contacted the court for the October 23, 2013 case management conference. The court ordered the issuance of an arrest warrant.

11. Mr. Brown emailed the address on Ms. Lyons' notice of appearance, advising her of the warrant and asking she contact him.

12. Mr. Brown also attempted to contact Ms. Lyons by telephone, but her voicemail inbox was full, keeping him from leaving a message. He left his callback number, but Ms. Lyons did not return his call.

13. On November 7, 2013, Mr. Brown again tried to contact Ms. Lyons by email and phone with similar results.

14. On November 7, 2013, Mr. Brown contacted the State Bar about his concerns that Ms. Lyons' client may have been abandoned.

15. A few days after November 7, 2013, Ms. Lyons telephoned Mr. Brown.

16. On November 14, 2013, Ms. Lyons emailed Mr. Brown. She told him she had advised Mr. Willis of the situation and she had secured the services of Lee Phillips, a Flagstaff criminal defense attorney, as substitute counsel.

17. On November 22, 2013, Ms. Lyons and Mr. Phillips filed the substitution of counsel.

18. On December 17, 2013, the State Bar opened a screening file against Ms. Lyons and requested that she respond no later than January 6, 2014. Ms. Lyons asked for, and was granted, two extensions to respond to the State Bar.

19. In her second request for an extension, Ms. Lyons told the State Bar she "received devastating news regarding [her] on-going battle with cervical cancer in that additional surgery and treatment is needed and, if not removed from the surrounding organs, the cancer has been deemed terminal." [Exhibit 2, Bates stamp 3.]

20. Ms. Lyons told the State Bar that "additional documentation is forthcoming from my medical providers." [Exhibit 2, Bates stamp 3.]

21. The State Bar dismissed the matter before receiving any further medical documentation, based on Mr. Brown's statements that no lasting harm was done and on Ms. Lyons' statements concerning her health.

22. On July 1, 2014, the State Bar received another charge against Ms. Lyons and file no. 14-2080 was opened. Because of further investigation by the State Bar in file no. 14-2080, Ms. Lyons was asked to provide the State Bar with medical records specific to her treatment for cervical cancer.

23. On May 12, 2015, Ms. Lyons told the staff investigator she had received medical treatment as recent as "last week" for the cervical cancer.

24. Ms. Lyons told the staff investigator she had more documentation but was frustrated at having to provide the same information again.

25. At no time during the investigation of either charge did Ms. Lyons provide the State Bar with any medical records supporting her claim she had cervical cancer. [Exhibit 3, Bates stamp 4; Exhibit 4, Bates 7.]

26. On June 3, 2015, Ms. Lyons sent bar counsel an email complaining that the staff investigator was talking to people she knew, and was "asking distressing questions." [Exhibit 14, Bates 70.]

27. Bar Counsel replied the same day and told Ms. Lyons she was being investigated for unethical conduct, including what appeared to be a lie to the State Bar about her medical condition. [Exhibit 14, Bates 69.]

28. Bar Counsel also advised that file no. 13-3124 (this file) was being reopened "because the dismissal in that matter was partly based on [Ms. Lyons'] representation that [she has] cervical cancer." [Exhibit 14, Bates 69.]

29. On June 4, 2015, Ms. Lyons was asked to sign medical releases so the State Bar could obtain her medical records, but she returned no signed medical releases. [Exhibit 4, Bates 7; Exhibit 15, Bates 74; Exhibit 16, Bates stamp 75]

30. Ms. Lyons was asked to respond by June 20, 2015 to the allegation she has not been truthful with the State Bar. Ms. Lyons failed to timely respond.

31. On July 7, 2015, bar counsel sent another email and informed Ms. Lyons that failure to respond would be a separate ethical violation. [Exhibit 3, Bates 5; Exhibit 12, Bates 53]

32. On July 22, 2015, Ms. Lyons emailed bar counsel. Ms. Lyons' email was evasive and non-compliant with the State Bar's request. She failed to answer the questions raised or provide the medical releases. [Exhibit 3, Bates 4.]

33. Ms. Lyons has made misrepresentations to the State Bar about being treated for cervical cancer.

COUNT TWO (File no. 14-2080/Judicial Referral)

34. Michael A. Byrd hired Ms. Lyons to represent him in a domestic relations matter. On June 20, 2011, Ms. Lyons filed a petition to establish paternity, custody, parenting time and child support; *Byrd v. Thornhill*, P1300 DO 2011-00528. [Exhibit 11, Bates 44]

35. Entry of a support order was delayed by numerous stipulated continuances, Ms. Lyons' purported mental and physical problems, and re-assignments of the case to four judges in three and one-half years. [Exhibit 11, Bates 44 – 46]

36. The case was re-assigned to Judge Trebesch in 2013. The trial date was continued several more times for various reasons.

37. The trial was eventually set for November 26, 2013, but Ms. Lyons moved to continue citing medical disability and an inability to prepare for trial or travel to Arizona. The trial was re-scheduled to January 9, 2014. [Exhibit 11, Bates 46]

38. On January 2, 2014, Ms. Lyons filed a “final motion to continue” citing physical and mental health reasons as impeding her ability to represent Mr. Byrd. Mother opposed the Motion. Judge Trebesch granted the continuance only because unexpected weather conditions prevented Ms. Lyons from traveling to Arizona. [Exhibit 11, Bates 46]

39. The trial was re-scheduled for February 14, 2014. Judge Trebesch ordered that no more continuances would be granted.

40. On February 10, 2014¹, Ms. Lyons requested another continuance citing a new health issue—a fall and broken leg—impeding her representation of Mr. Byrd. In granting the motion to continue, Judge Trebesch also set a scheduling conference for March 18, 2014. [Exhibit 11, Bates 46]

41. Ms. Lyons and Mr. Byrd failed to appear for the March 18, 2014, scheduling conference. The Court's judicial assistant attempted to reach Ms. Lyons by phone for the hearing, but was unsuccessful. [Exhibit 5, Bates stamp 10; Exhibit 11, Bates stamp 47.]

42. The minute entry from the March 18, 2014, scheduling conference set the trial on April 18, 2014, and specified “[n]o continuances will be granted.” [Exhibit 5, Bates 10; Exhibit 11, Bates 47]

¹ Although the motion was sent to opposing counsel and to the judge, it was never filed with the clerk of the court.

43. Ms. Lyons was ordered to file a written explanation for her failure to appear at the March scheduling conference. "If Counsel's explanation is not sufficient for this Court, the Court will assess attorneys' fees against [Ms. Lyons] personally." [Exhibit 5, Bates 10 – 21; Exhibit 11, Bates 47]

44. The order continues: "[Ms. Lyons] may choose to voluntarily withdraw from this matter, or she may continue to represent [Mr. Byrd] and the Court will refer the matter to the State Bar of Arizona for consideration of [Ms. Lyons'] adequacy in continuing representation of [Mr. Byrd] in light of the numerous delays." [...] "[Mr. Byrd] may seek alternative counsel to represent him at trial, or [Mr. Byrd] may elect to represent himself. Written notice of his choice shall be filed with the Court within 10 days of this date." Ms. Lyons did not file the ordered notice. [Exhibit 5, Bates 10; Exhibit 11, Bates 47]

45. Mr. Byrd appeared for trial on May 2, 2014, without Ms. Lyons. Mr. Byrd admitted he received the Court's March 18, 2014 order. He acknowledged he failed to comply with the order to provide the court notice of how he intended to proceed, but indicated he filed a response through Ms. Lyons. [Exhibit 11, Bates 47.]

46. On May 2, 2014, the Court's file reflected no new filings by Ms. Lyons or Mr. Byrd. Mr. Byrd was surprised there were no new filings, because he had "been in relative constant contact [with Ms. Lyons] about [the] matter" and "as of two days ago there was a request to stay proceedings based on [Ms. Lyons'] medical condition." [Exhibit 11, Bates stamp 48, 49.]

47. Judge Trebesch did not continue the trial because her previous order gave him several options for going forward.

48. At 11:57 a.m. on May 2, 2014, after the trial was already underway, the Clerk's Office received and file-stamped Ms. Lyons' request for stay of proceedings based on medical necessity (the request). Judge Trebesch did not receive the request until much later, after Judge Trebesch had already removed Ms. Lyons from the representation. [Exhibit 6, Bates 22; Exhibit 11, Bates 49]

49. Ms. Lyons made misrepresentations in the request. Ms. Lyons says "Undersigned counsel's father passes [sic] away unexpectedly from cardiac arrest, Type I diabetes, and Parkinson's Disease." The man who passed away, Robert Urie, is not related to Ms. Lyons by blood or by law. [Exhibit 8, Bates 29.]

50. Ms. Lyons also misrepresented in the request she secured substitute counsel if further continuances were needed. "[I]n the unlikely event that undersigned counsel is unable to attend, Mr. [David K.] Wilhelmsen is prepared to familiarize himself fully with this matter and represent [Mr. Byrd] without further continuances." [Exhibit 8, Bates 30.]

51. In a May 2, 2014 email to Judge Trebesch's judicial assistant, she made the same misrepresentation regarding co-counsel: "I would like to reiterate my request to grant our Request for Stay of Proceedings, with the hearing re-set to a date on which my client would be represented by either myself and/or Mr. Wilhelmsen, my co-counsel and whose Notice of Appearance the Court should be receiving timely if not already received." [Exhibit 6, Bates 22; Exhibit 8, Bates 30.]

52. In the same email, Ms. Lyons made the following misrepresentation: "In the event that this Court does grant our Request, or continues the Hearing, Mr. Wilhelmsen and I have organized and prepared a settlement offer regarding the issues of child support and child support arrears."

53. When questioned by the State Bar, Mr. Wilhelmsen said he had a short conversation with Ms. Lyons and she indicated she may need help with a case. Mr. Wilhelmsen told Ms. Lyons to call him back if she needed his help, but Ms. Lyons never called Mr. Wilhelmsen back. Mr. Wilhelmsen filed no notice of appearance, did not help Ms. Lyons prepare a settlement offer, and never met with Ms. Lyons' client.

54. Judge Trebesch ordered that her May 2, 2014, minute entry (ME) be sent to the State Bar, to investigate Ms. Lyons' "competence to practice and her violations of the Court's orders of March 18, 2014." Judge Trebesch also removed Ms. Lyons as counsel for Mr. Byrd. [Exhibit 7, Bates 24.]

55. When Judge Trebesch sent the May 2, 2014 ME to the State Bar, the child support matter had remained unresolved since the filing of the child support petition on June 20, 2011. [Exhibit 7, Bates 24.]

56. The staff investigator asked Ms. Lyons about her medical treatment for cervical cancer that led to one of the continuances and requested documentation specific to that treatment. Ms. Lyons told the staff investigator she has received medical treatment as recent as "last week" for the cervical cancer.

57. Ms. Lyons told the staff investigator that she has more specific documentation but she has "supplied so much to the State Bar of Arizona and the court that it's incredibly frustrating to have to provide these medical records." The State Bar reviewed file no. 13-3124², which is the charge in which she first told the State Bar she had cervical cancer, but Ms. Lyons provided no medical records. File

² Count One.

no. 14-2080³ contains no medical records related to cervical cancer, either. [Exhibit 12, Bates 52, 53; Exhibit 13, Bates 62, 63]

58. On May 5, 2015, Ms. Lyons was asked to provide information to the State Bar that supported the pleadings she filed, and information to support her responses to the State Bar.

59. Instead of providing the requested information, Ms. Lyons sent responses that were evasive and non-compliant with the State Bar's request.

60. Ms. Lyons has made misrepresentations to the State Bar and the courts about the following subjects:

- a. statements about being treated for cervical cancer, [Exhibit 2, Bates 3; Exhibit 3, Bates 4; Exhibit 4, Bates 7 – 9; Exhibit 9, Bates 35; Exhibit 12, Bates 52 – 55; Exhibit 13, Bates 60 – 62; Exhibit 14, Bates 67 and 69]
- b. statements about her "father," "surrogate father," "adoptive father," or "godfather," [Exhibit 8, Bates 29; Exhibit 9, Bates 34; Exhibit 12, Bates 52; Exhibit 14, Bates 67.]
- c. statements about her relationship with Mr. Urie, the man she says is her father, [Exhibit 13, Bates 61.]
- d. statements about her relationship with Mr. and Mrs. Urie, [Exhibit 13, Bates 61.]
- e. statements about providing the State Bar with documents regarding her medical treatment, [Exhibit 2, Bates 3; Exhibit 3, Bates 4; Exhibit 4,

³ Count Two.

- Bates 7 – 9; Exhibit 9, Bates 35; Exhibit 12, Bates 52 – 55; Exhibit 13, Bates 60 – 62; Exhibit 14, Bates 67 and 69.] and,
- f. statements concerning Mr. Wilhelmsen. [Exhibit , Bates 61]

CONCLUSIONS OF LAW

The evidence is clear and convincing and we find the following ethical violations:

Count One (File no. 13-3124/Brown)

By engaging in the misconduct referenced in Count One, Ms. Lyons violated Rules 42 and 54, Ariz. R. Sup. Ct., specifically:

61. ER 8.1(b)(knowingly fail to respond to a lawful demand for information from the State Bar).

62. ER 8.4(c)(making knowing misrepresentations).

63. Rule 54(d)(grounds for discipline)(failure to promptly furnish information to the State Bar).

Count Two (File no. 14-2080/Judicial Referral)

By engaging in the misconduct referenced in Count Two, Ms. Lyons violated Rules 42 and 54, Ariz. R. Sup. Ct., specifically:

64. ER 1.16(a)(2)(terminating representation)(a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if (1) the representation will result in violation of the Rules of Professional Conduct or other law.)

65. ER 3.3(a)(knowingly make a false statement to the court).

66. ER 8.1(b)(knowingly fail to respond to a lawful demand for information from the State Bar).

67. ER 8.4(c)(making knowing misrepresentations).
68. ER 8.4(d)(engage in conduct that is prejudicial to the administration of justice).
69. Rule 54(c)(grounds for discipline)(knowing violation of ... any court order).
70. Rule 54(d)(grounds for discipline)(failure to promptly furnish information to the State Bar)..

ABA Standards

In determining an appropriate sanction, the court utilizes the American Bar Association's Standards for Imposing Lawyer Sanctions (*Standards*) under Rule 57(a)(2)(E). The *Standards* promote consistency in imposing sanctions by identifying 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.

In determining a 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. *In re Peasley*, 208 Ariz. 27, 35, 90 P.3d 764, 772; *Standard* 3.0.

Ms. Lyons' most egregious misconduct was violating ERs 3.3(a), and 8.4(c), and the misconduct was knowing. Ms. Lyons made numerous misrepresentations to the Court and to the State Bar, there was actual injury to the legal system by using finite judicial resources, and there was potential injury to the profession due to her misconduct. Ms. Lyons' misconduct also hurt her clients and the opposing party in

the family law litigation. *Standards 6.2, Abuse of the Legal Process* and *7.0, Violations of Other Duties Owed As A Professional* apply.

Standard 6.22 provides:

Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

Ms. Lyons continued to ask for continuances even after the court ordered that the case would not be continued again. Ms. Lyons also violated the court's order to appear at a March 18, 2014 hearing. Ms. Lyons cited her health as the reason for many of the delays. One reason Ms. Lyons' requested a continuance was because of her alleged medical treatment for cervical cancer. Yet she failed to withdraw from the representation or take any other course of action as order by Judge Trebesch on March 18, 2014.

Standard 7.2 provides:

Suspension is appropriate when a lawyer knowingly engages in conduct that violates a duty owed to the profession and causes injury or potential injury to a client, the public, or the legal system.

Ms. Lyons was asked numerous times to substantiate she had cervical cancer. This request was based on Ms. Lyons' use of her medical condition to request an extension of time to respond to the State Bar in count one. Ms. Lyons told the State Bar she "received devastating news regarding [her] on-going battle with cervical cancer in that additional surgery and treatment is needed and, if not removed from the surrounding organs, the cancer has been deemed terminal." In count two, she used her cervical cancer as a justification for a continuance before Judge Trebesch.

After numerous requests for documentation to support this very serious medical condition, Ms. Lyons has failed to do so, even refusing to sign releases so the State Bar could obtain the records with no upfront expense to Ms. Lyons. We find Ms. Lyons was using this horrific, and apparently fraudulent, diagnosis to garner sympathy and inappropriate delays for her benefit and for her client's benefit, as the only issue left to be determined in count two was the child support her client had to pay. [Exhibit 10, Bates 41⁴; Exhibit 11, Bates 44.] Ms. Lyons also cited the death of her father as one of the substantial losses she had endured. The State Bar's investigation revealed that the person who passed away was not her father.

The Theoretical Framework for the *Standards* advises that multiple charges of misconduct should receive one sanction consistent with the sanction appropriate for the most serious instance of misconduct. The presumptive sanction is suspension. Rather than imposing individual sanctions for each ethical rule violation, the Framework states "multiple instances of misconduct should be considered as aggravating factors." *ABA Standards*, p. 6. Besides violating ERs 3.3(a) and 8.4(c), Ms. Lyons also violated ERs 1.16(a)(2), 8.1(b), 8.4(c) and (d), and 54(c), and (d). These include failing to withdraw from the representation due to her self-proclaimed health issues, failing to cooperate with the State Bar during its investigation, and engaging in conduct prejudicial to the administration of justice.

A. Aggravation and Mitigation

Standard 9.22. The Panel finds the following aggravating factors apply:

⁴ Ms. Lyons blames Judge Trebesch for the harm to her client, but it was Ms. Lyons' actions that caused the harm.

- (b) dishonest or selfish motive. Ms. Lyons' motive in continuing to represent Mr. Byrd when she continually claimed ongoing medical problems that necessitated numerous requests for continuances was not only selfish, but also self-serving. Ms. Lyons was compensated by Mr. Byrd for filing the numerous requested continuances; continuances based on her medical condition, not on Mr. Byrd's needs.
- (e) bad faith obstruction of the disciplinary process – Ms. Lyons has failed to cooperate with the State Bar throughout these proceedings. [Exhibit 2, Bates 3; Exhibit 3, Bates 4; Exhibit 4, Bates 7; Exhibit 9, Bates 34 and 35; Exhibit 10, Bates 38; Exhibit 12, Bates 52 – 55; Exhibit 13, Bates 61 – 63; Exhibit 14, Bates 69];
- (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process. Ms. Lyons claimed she submitted documents supporting her alleged cervical cancer diagnosis. When advised by bar counsel her documents did not support her claims, she submitted items either not legible, or that did not support her claims. [Exhibit 2, Bates 3; Exhibit 3, Bates 4; Exhibit 4, Bates 7; Exhibit 9, Bates 34 and 35; Exhibit 10, Bates 38; Exhibit 12, Bates 52 – 55; Exhibit 13, Bates 61 – 63; Exhibit 14, Bates 69];
- (g) refusal to acknowledge wrongful nature of conduct. Ms. Lyons has continued to play the injured party in these proceedings, failing to even once consider the harm she has caused to her clients, an opposing party, opposing counsel, the legal system, and the profession.

Standard 9.32. The Panel finds the following mitigating factors apply:

- (a) (absence of disciplinary record).

(c) (personal or emotional problems) – According to Ms. Lyons she has had medical issues the last several years; however, she has failed to respond to numerous requests from the State Bar to provide medical records regarding her claimed cervical cancer. Therefore, this factor is not given any weight.

The Panel finds the mitigation does not outweigh the four aggravating factors. Ms. Lyons failed to appear for court hearings and failed to respond to opposing counsel, the courts and the State Bar’s request for information. Indifference to the disciplinary process is cause for great concern. Attorneys have duties as officers of the court that include:

“[T]he obligation to fully and actively cooperate with the bar when [an attorney’s] conduct is called into question. ‘Failure to respond to inquiries from the State Bar shows a disregard for the Rules of Professional Conduct and borders on contempt for the legal system.’ *In re Davis*, 181 Ariz. 263, 266, 889 P.2d 621, 624 (1995) (citation omitted). Inaction serves to undermine the profession's efforts at self-regulation, damaging both its credibility and reputation. Additionally, respondent's disregard of court orders casts a shadow over the integrity of the justice system.

Matter of Brown, 184 Ariz. 480, 483, 910 P.2d 631, 634 (1996). To protect the public, the profession and the integrity of the justice system, a three (3) year suspension is an appropriate discipline in this matter.

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. 62, 74, 41 P.3d 600, 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 Panel has determined the sanction using the facts deemed admitted, application of the *Standards*, including aggravating and mitigating factors, and the goals of the attorney discipline system. The Panel orders:

1. Ms. Lyons shall be suspended for three (3) years from the practice of law effective immediately.
2. Ms. Lyons shall obtain a Member Assistance Program (MAP) assessment prior to applying for reinstatement.
3. Upon reinstatement, Ms. Lyons shall be supervised under such terms and conditions of probation as determined by a hearing panel.
4. Ms. Lyons shall pay all costs and expenses incurred by the State Bar. 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 6th day of April, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Mel M. O'Donnell

Mel M. O'Donnell, Volunteer Public Member

Kenneth L. Mann

Kenneth L. Mann, Volunteer Attorney Member

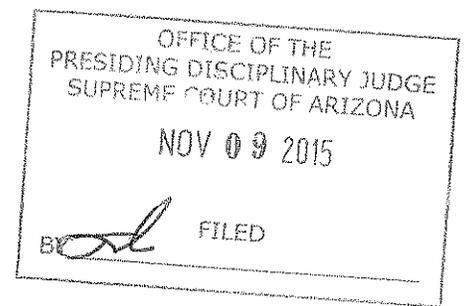
Copy of the foregoing e-mailed
this 6th day of April, 2016, and
mailed this 7th day of April, 2016, to:

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

Katie Lynn Lyons
Last Known Address:
PO Box 765
Pinetop, Arizona 85935-0765
Emails: Katiellyons@hotmail.com; Katie@thelyonslawfirm.com
Respondent

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

by: [AMcQueen](#)



Shauna R. Miller, Bar No. 015197
Senior Bar Counsel
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 MEMBER OF THE
STATE BAR OF ARIZONA,

**KATIE LYNN LYONS,
Bar No. 025181,**

Respondent.

PDJ 2015- 9121
[State Bar file nos. 13-3124 and 14-
2080]

COMPLAINT

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. Respondent has been an Arizona lawyer since May 24, 2007.

COUNT ONE (File no. 13-3124/Brown)

2. Robert W. Brown (Mr. Brown) was the prosecutor in *State v. Devin Willis*, Flagstaff Municipal Court #TR2013-3312. Devin Willis was the defendant.
3. On June 17, 2013, Mr. Willis was charged with a DUI and was summoned to appear for arraignment on August 8, 2013.
4. On August 7, 2013, Respondent filed a notice of appearance on behalf of Mr. Willis.
5. On September 9, 2013, the Municipal Court issued an order setting the pretrial conference on September 27, 2013, a case management conference on October 23, 2013, and a jury trial on November 14, 2013. The court further ordered Mr. Willis to personally appear for all scheduled court dates.

6. Copies of the order were sent to Mr. Brown and Respondent.
7. Neither Mr. Willis nor Respondent appeared or contacted the court for the September 27, 2013, pretrial conference.
8. On September 30, 2013, Mr. Brown filed a Rule 15 disclosure notice and sent a copy to Respondent at the address provided on her notice of appearance.
9. Respondent did not file a Rule 15.2 disclosure notice or notice of defenses.
10. Neither Mr. Willis nor Respondent appeared or contacted the court for the October 23, 2013, case management conference. The court ordered the issuance of an arrest warrant.
11. Mr. Brown sent an e-mail to the address on Respondent's notice of appearance, advising her of the warrant and asking that she contact him.
12. Mr. Brown also attempted to contact Respondent by telephone, but her voicemail inbox was full and he was unable to leave a message. He was able to leave his callback number, but Respondent did not return his call.
13. On November 7, 2013, Mr. Brown made an additional attempt to contact Respondent by e-mail and phone with similar results.
14. On November 7, 2013, Mr. Brown contacted the State Bar about his concerns that Respondent's client may have been abandoned.
15. A few days after November 7, 2013, Respondent telephoned Mr. Brown.

16. On November 14, 2013, Respondent emailed Mr. Brown. She told him that she had advised Mr. Willis of the situation and that she had secured the services of Lee Phillips, a Flagstaff criminal defense attorney, as substitute counsel.

17. On November 22, 2013, Respondent and Mr. Phillips filed the substitution of counsel.

18. On December 17, 2013, the State Bar opened a screening file against Respondent and requested that she respond no later than January 6, 2014. Respondent asked for, and was granted, two extensions to respond to the State Bar.

19. In her second request for an extension, Respondent told the State Bar that she "received devastating news regarding [her] on-going battle with cervical cancer in that additional surgery and treatment is needed and, if not removed from the surrounding organs, the cancer has been deemed terminal."

20. Respondent told the State Bar that "additional documentation is forthcoming from my medical providers."

21. The State Bar dismissed the matter [before receiving any further medical documentation, based on Mr. Brown's statements that no lasting harm was done and on Respondent's statements concerning her health.]

22. On July 1, 2014, the State Bar received another charge against Respondent and file no. 14-2080 was opened. As a result of further investigation by the State Bar in file no. 14-2080, Respondent was asked to provide the State Bar with medical records specific to her treatment for cervical cancer.

23. On May 12, 2015, Respondent told the staff investigator that she had received medical treatment as recent as "last week" for the cervical cancer.

24. Respondent told the staff investigator that she had more specific documentation but was frustrated at having to provide the same information again.

25. At no time during the investigation of either charge did Respondent provide the State Bar with any medical records supporting her claim that she had cervical cancer.

26. On June 3, 2015, Respondent sent bar counsel an email complaining that the staff investigator was talking to people she knew, and was "asking distressing questions."

27. Bar Counsel replied the same day and told Respondent that she was being investigated for unethical conduct, including what appeared to be a lie to the State Bar about her medical condition.

28. Bar Counsel also advised that file no. 13-3124 (this file) was being reopened "because the dismissal in that matter was partly based on [Respondent's] representation that [she has] cervical cancer."

29. On June 17, 2015, Respondent was asked to sign medical releases so the State Bar could obtain her medical records, but she failed to return any signed medical releases.

30. Respondent was asked to respond by June 20, 2015, to the allegation that she has not been truthful with the State Bar. Respondent failed to timely respond.

31. On July 7, 2015, bar counsel sent another email and informed Respondent that failure to respond would be considered a separate ethical violation.

32. On July 22, 2015, Respondent emailed bar counsel. Respondent's email was evasive and non-compliant with the State Bar's request. She failed to answer the outstanding questions that had been raised or provide the medical releases.

33. Respondent has made misrepresentations to the State Bar about being treated for cervical cancer.

34. By engaging in the above referenced misconduct, Respondent violated Rules 42 and 54, Ariz. R. Sup. Ct., specifically:

- a. ER 8.1(b)(knowingly fail to respond to a lawful demand for information from the State Bar).
- b. ER 8.4(c)(making knowing misrepresentations).
- c. Rule 54(d)(grounds for discipline)(failure to promptly furnish information to the State Bar).

COUNT TWO (File no. 14-2080/Judicial Referral)

35. Michael A. Byrd (Father) hired Respondent to represent him in a domestic relations matter. On June 20, 2011, Respondent file a petition to establish paternity, custody, parenting time and child support; *Byrd v. Thornhill*, P1300 DO 2011-00528.

36. Entry of a support order was delayed by numerous stipulated continuances, Respondent's purported mental and physical problems, and re-assignments of the case to four different judges in three and one-half years.

37. The case was re-assigned to Judge Trebesch in 2013. The trial date was continued several more times for various reasons.
38. The trial was eventually set for November 26, 2013, but Respondent filed a motion to continue citing medical disability and an inability to prepare for trial or travel to Arizona. The trial was re-scheduled to January 9, 2014.
39. On January 2, 2014, Respondent filed a "final motion to continue" citing physical and mental health reasons as impeding her ability to represent Father. Mother opposed the Motion. Judge Trebesch granted the continuance only because unexpected weather conditions prevented Respondent from traveling to Arizona.
40. The trial was re-scheduled for February 14, 2014. Judge Trebesch ordered that no more continuances would be granted.
41. On February 10, 2014¹, Respondent requested another continuance citing a new health issue—a fall and broken leg—impeding her representation of Father. In granting the motion to continue, Judge Trebesch also set a scheduling conference for March 18, 2014.
42. Respondent and Father failed to appear for the March 18, 2014, scheduling conference. The Court's judicial assistant attempted to reach Respondent by phone for the hearing, but was unsuccessful.
43. The ME from the March 18, 2014, scheduling conference set the trial on April 18, 2014, and specified "[n]o continuances will be granted."

¹ Although the motion was sent to opposing counsel and to the judge, it was never filed with the clerk of the court.

44. Additionally, Respondent was ordered to file a written explanation for her failure to appear at the March scheduling conference. "If Counsel's explanation is not sufficient for this Court, the Court will assess attorneys' fees against [Respondent] personally."
45. The order continues: "[Respondent] may choose to voluntarily withdraw from this matter, or she may continue to represent [Father] and the Court will refer the matter to the State Bar of Arizona for consideration of [Respondent's] adequacy in continuing representation of [Father] in light of the numerous delays." [...] "[Father] may seek alternative counsel to represent him at trial, or [Father] may elect to represent himself. Written notice of his choice shall be filed with the Court within 10 days of this date." Respondent did not file the ordered notice.
46. Father appeared at trial on May 2, 2014, without Respondent. Father admitted he received the Court's March 18, 2014, order. He acknowledged that he failed to comply with the order to provide the court notice of how he intended to proceed, and indicated he filed a response through Respondent.
47. On May 2, 2014, the Court's file did not reflect any new filings by Respondent or Father. Father was surprised there were no new filings, because he had "been in relative constant contact [with Respondent] about [the] matter" and "as of two days ago there was a request to stay proceedings based on [Respondent's] medical condition."
48. Judge Trebesch did not continue the trial because her previous order gave him several options for going forward.

49. At 11:57 a.m. on May 2, 2014, after the trial was already underway, the Clerk's Office received and file stamped Respondent's request for stay of proceedings based on medical necessity (the request). Judge Trebesch did not receive the request until much later, after Judge Trebesch had already removed Respondent from the representation.
50. Respondent made misrepresentations in the request. Respondent says "Undersigned counsel's father passes [sic] away unexpectedly from cardiac arrest, Type I diabetes, and Parkinson's Disease." The man who passed away, Robert Urie, is not related to Respondent by blood or by law.
51. Respondent also misrepresented in the request that she secured substitute counsel if further continuances were needed. "[I]n the unlikely event that undersigned counsel is unable to attend, Mr. [David K.] Wilhelmsen is prepared to familiarize himself fully with this matter and represent [Father] without further continuances."
52. In a May 2, 2014, email to Judge Trebesch's judicial assistant, she made the same misrepresentation regarding co-counsel: "I would like to reiterate my request to grant our Request for Stay of Proceedings, with the hearing re-set to a date on which my client would be represented by either myself and/or Mr. Wilhelmsen, my co-counsel and whose Notice of Appearance the Court should be receiving timely if not already received."
53. In the same email, Respondent made the following misrepresentation: "In the event that this Court does grant our Request, or continues the Hearing,

Mr. Wilhelmsen and I have organized and prepared a settlement offer regarding the issues of child support and child support arrears.”

54. When questioned by the State Bar, Mr. Wilhelmsen said he had a short conversation with Respondent and she indicate she may need help with a case. Mr. Wilhelmsen told Respondent to call him back if she decided she did need his help, but Respondent never called Mr. Wilhelmsen back. Mr. Wilhelmsen did not file a notice of appearance, did not help Respondent prepare a settlement offer, and never met with Respondent’s client.
55. Judge Trebesch ordered that her May 2, 2014, minute entry (ME) be sent to the State Bar, to investigate Respondent’s “competence to practice and her violations of the Court’s orders of March 18, 2014.” Judge Trebesch also removed Respondent as counsel for Father.
56. When Judge Trebesch sent the ME to the State Bar, the child support matter had remained unresolved since the filing of the child support petition on June 20, 2011.
57. The staff investigator asked Respondent about her medical treatment for cervical cancer that led to one of the continuances and requested documentation specific to that treatment. Respondent told the staff investigator that she has received medical treatment as recent as “last week” for the cervical cancer.
58. Respondent told the staff investigator that she has more specific documentation but she has “supplied so much to the State Bar of Arizona and the court that it’s incredibly frustrating to have to provide these medical

records." The State Bar reviewed file no. 13-3124², which is when she first told the State Bar she had cervical cancer, but Respondent did not provide any medical records. File no. 14-2080³ does not contain any medical records related to cervical cancer, either.

59. On May 5, 2015, Respondent was asked to provide information to the State Bar that supported the pleadings she filed in the case, as well as information to support her responses to the State Bar.
60. Instead of providing the requested information, Respondent sent responses that are evasive and non-compliant with the State Bar's request.
61. Respondent has made misrepresentations to the State Bar and the courts about the following subjects:
 - a. statements about being treated for cervical cancer;
 - b. statements about her "father," "surrogate father," "adoptive father," or "godfather";
 - c. statements about her relationship with the Mr. Urie, the man she says is her father;
 - d. statements about her relationship with the Mr. and Mrs. Urie,
 - e. statements about providing the State Bar with documents regarding her medical treatment; and
 - f. statements concerning Mr. Wilhelmsen.
62. By engaging in the above referenced misconduct, Respondent violated Rules 42 and 54, Ariz. R. Sup. Ct., specifically:

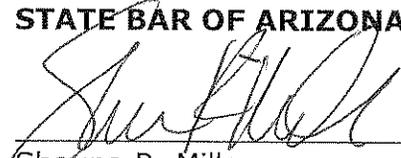
² Count One

³ Count Two

- a. ER 1.16(a)(2)(terminating representation)(a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if (1) the representation will result in violation of the Rules of Professional Conduct or other law.
- b. ER 3.3(a)(knowingly make a false statement to the court).
- c. ER 8.1(b)(knowingly fail to respond to a lawful demand for information from the State Bar).
- d. ER 8.4(c)(making knowing misrepresentations).
- e. ER 8.4(d)(engage in conduct that is prejudicial to the administration of justice).
- f. Rule 54(c)(grounds for discipline)(knowing violation of ... any court order).
- g. Rule 54(d)(grounds for discipline)(failure to promptly furnish information to the State Bar)..

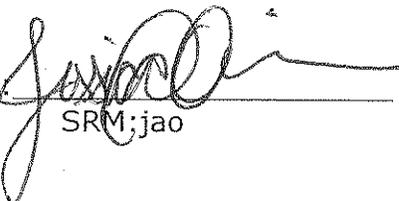
DATED this 9th day of November 2015.

STATE BAR OF ARIZONA



Shauna R. Miller
Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 9th day of November, 2015.

by: 

SRM:jao

FILED

SEP 18 2015

STATE BAR OF ARIZONA
BY *Asdrac Montoya*

**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,**

**KATIE LYNN LYONS
Bar No. 025181**

Respondent.

No. 13-3124

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 11, 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 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 13-3124.

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 18 day of September, 2015.

Lawrence F. Winthrop

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

¹ Committee member Jeffrey G. Pollitt did not participate in this matter.

Original filed this 18th day
of September, 2015, with:

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

Copy mailed this 22nd day
of September, 2015, to:

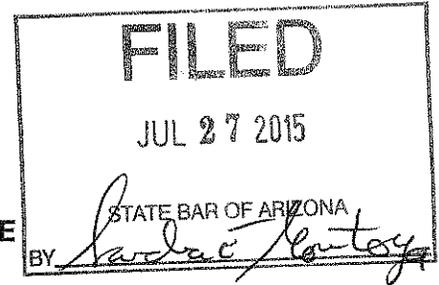
Katie Lynn Lyons
The Lyons Law Firm, PLLC
5052 Longrifle Road
Westerville, Ohio 43081-4491
Respondent

Copy emailed this 22nd day
of September, 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 MEMBER OF
THE STATE BAR OF ARIZONA,**

**KATIE LYNN LYONS
Bar No. 025181**

Respondent.

No. 14-2080

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on July 10, 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 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 14-2080.

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 27 day of July, 2015.



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

¹ Committee member Ben Harrison did not participate in this matter.

Original filed this 27th day
of July, 2015, with:

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

Copy mailed this 28th day
of July, 2015, to:

Katie Lynn Lyons
The Lyons Law Firm PLLC
5052 Longrifle Road
Westerville, Ohio 43081-4491
Respondent

Copy emailed this 28th day
of July, 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 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by: Samantha Lutz