

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**VIDA Z. FLOREZ-WARNER,
Bar No. 013531**

Respondent.

PDJ 2015-9093

FINAL JUDGMENT AND ORDER

[State Bar No. 14-1299]

FILED NOVEMBER 3, 2015

The Presiding Disciplinary Judge, having reviewed the Agreement for Discipline by Consent filed on October 19, 2015, under Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED Respondent, **Vida Z. Florez-Warner**, is suspended for sixty (60) days for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this Order.

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

IT IS FURTHER ORDERED upon reinstatement, Ms. Florez-Warner shall be placed on probation for two (2) years with the State Bar's Law Office Management Assistance Program (LOMAP) and obtain a practice monitor.

IT IS FURTHER ORDERED Ms. Florez-Warner shall pay the costs and expenses of the State Bar of Arizona for \$1,339.70, within thirty (30) days from this

Order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

DATED this 3rd day of November, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed this 3rd day of November, 2015, to:

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by: [JAlbright](#)

**BEFORE THE PRESIDING DISCIPLINARY
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IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA,

VIDA Z. FLOREZ-WARNER,
Bar No. 013531

Respondent.

PDJ-2015-9093

**DECISION ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar No. 14-1299]

FILED NOVEMBER 3, 2015

A Probable Cause Order issued on July 27, 2015, and the formal complaint was filed on September 8, 2015. An Agreement for Discipline by Consent ("Agreement") was filed by the parties on October 19, 2015, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct¹. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

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

Under Rule 53(b)(3), notice of this Agreement was provided to the complainant(s) by letter dated September 24, 2015. Complainant was notified of the opportunity to file a written objection to the agreement with the State Bar within five

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

(5) business days of bar counsel's notice. One objection was filed on October 26, 2015, suggesting that Ms. Florez-Warner be disbarred and be required to return to law school. The comments of complainant lend great insight to the agreement and demonstrate the level of harm the actions of Ms. Florez-Warner caused others, including clients, the CourtS and the profession. Those comments are appreciated and were helpful. For the reasons stated, the recommendation of complainant was not followed. The conditionally admitted misconduct is summarized.

Ms. Florez-Warner advertised as a specialist in bankruptcy and family law when she was not certified by the State Bar as a specialist in either practice area. Ms. Florez-Warner did not create her own advertisement listings, however, in 2014, the State Bar made her aware of the false and misleading information regarding her legal services. Ms. Florez-Warner conditionally admits she took no action to correct the false and misleading information.

Ms. Florez-Warner represented four separate clients in four separate bankruptcy matters. Overall, she failed to meet standards required to represent debtors because she did not have sufficient knowledge or experience in handling bankruptcy matters. After accepting their cases, she exerted minimal effort and was not competent in preparing her clients' petitions. She filed inaccurate and incomplete bankruptcy schedules and was required by the trustee to amend schedules and to disgorge fees in all four matters. The Judge found Ms. Florez-Warner's pleadings to be "sloppy at best, incompetent at worst." In another case the court ruled a motion was "addressed to the legal and ethical responsibilities of Debtors' counsel to report, and herself discover and disclose these same critical facts." The court found her actions wrong and stated, "Bankruptcy is not a game of 'hide the ball,' to force others

within the system to ferret out critical facts. If a lawyer wishes to play that game, she stands to forfeit her license to practice law....”

Ms. Florez-Warner was ordered in all four matters to disgorge her fees within in 30 days but she did not meet the deadline. She did, however, ultimately comply with the orders 5 weeks later in one matter and three months later in another matter. She further failed to disclose a required fact in one client’s bankruptcy petition and supporting documents exposing her clients to civil and criminal penalties.

In a fifth bankruptcy matter, Ms. Florez-Warner did not adequately communicate with her clients and failed to file a response to the trustee’s motion to compel production of documents. She further failed to timely appeal the non-discharagablity judgement and thereafter, a hearing was held. Ms. Florez-Warner was again ordered to disgorge her fee and obtain continuing legal education. The Judge ordered her to obtain CLE in bankruptcy and considered directing Ms. Florez-Warner to show cause why she should be barred from practicing in Arizona’s bankruptcy courts “because you are not meeting the standards that are required to represent debtors.”

Ms. Florez-Warner conditionally admits her misconduct violated Rule 42, ERs 1.1, 1.3, 1.4, 1.5(a), 3.4(c), 7.1, 7.4, 8.4(d) and Rule 54. The parties stipulate to a sanction of a sixty (60) day suspension, two (2) years of probation upon reinstatement with the State Bar’s Law Office Management Assistance Program (LOMAP) including a practice monitor, and costs of \$1,339.70, to be paid within thirty (30) days from this Decision and Order.

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Presumptive Sanction

The parties agree the presumptive sanction is between disbarment and suspension. The parties cite numerous ABA Standards that apply. Ms. Florez-Warner conditionally admits she knowingly and negligently violated her duties to clients, the legal profession and the legal system causing actual injury and potentially serious injury to clients, opposing parties and counsel, the courts, and the legal system.

Aggravation and Mitigation

The agreed upon aggravating factors include: 9.22(a) (prior disciplinary offenses), 9.22(b) (selfish motive), 9.22(c) (pattern of misconduct), 9.22(d) (multiple offenses), and 9.22(i) (substantial experience in the practice of law).

In mitigation are factors: 9.32(b) (absence of a dishonest motive), 9.32(c) (personal or emotional problems), 9.32(d) (timely good faith effort to make restitution or to rectify consequences), 9.32(e) (full disclosure to disciplinary board or cooperative attitude toward proceedings), 9.32(g) (character or reputation), 9.32(k) (imposition of other penalties or sanctions), and 9.32(l) (remorse).

The PDJ notes there is no evidence offered to support mitigating factor, 9.32(c) (personal and emotional problems) except for the pre-settlement letter statements by Ms. Florez-Warner's counsel. The PDJ concludes that the absence of this factor would not change the overall outcome. It is Ms. Florez-Warner's efforts to rectify her misconduct and demonstrated remorse that mitigates her misconduct to a short term suspension and probation.

Here, there are more than the characteristic proclamations of genuine remorse. The aggravating factors such as a pattern of misconduct, multiple offenses, and substantial experience in the practice of law warrant a harsher punishment as

stated by complainant unless remorse is built on something better than the vagueness typically found in admissions. Our Supreme Court has stated,

Those seeking mitigation relief based upon remorse must present a showing of more than having said they are sorry.... [T]he best evidence of genuine remorse is affirmative and, if necessary, creative efforts to make the injured client whole. For this reason, we think that respondent's late apology, standing alone, is insufficient to support a finding of remorse.

Matter of Augenstein, 178 Ariz. 133, 137, 871 P.2d 254, 258 (1994).

Pre-settlement letter statements by Ms. Florez-Warner's counsel cannot equate with remorse and properly, none were offered. This is because remorse requires one to engage in an effort at reconciliation. Ms. Florez-Warner candidly lays out the meaningful real life rationale for her ethical misconduct. There is no rationalization, minimization, nor blame shifting. Remorse is not about theory, it is about reality. Only when one addresses their misdeeds directly and accurately can one directly and accurately address and resolve the weakness that caused the ethical short fallings.

There is little middle ground in an expression of remorse. If genuine remorse is to be expressed, it is not a time to hide from one's misdeeds or rationalize the misconduct. Remorse is difficult because of the internalizing of the wrong done and the necessity, because of one's actions, to strive to restore the relationship through one's walk (actions) and talk (words). These are both affirmative actions.

Remorse is uncommon. Perhaps not that individuals are unclear or uncertain of their misconduct, but rather something internal impedes a person from taking the steps needed to establish it. Genuine remorse upholds human dignity. Its absence can assure an erosion of the recognition of individuality with a don't-bother-me-I'm-

too-busy coldness resulting in a greater loss of human dignity. Remorse opens one to the opportunity of resolving injury and healing a battered interpersonal relationship. But that requires self-analysis, candor and affirmative evidence. In genuine remorse, self-centered rationalization of one's misconduct and caution are laid aside in favor of the potential of true resolution. It is worth the effort. Laying aside one's caution in favor of eliminating the isolation caused by the injury inflicted, is worth the risk of the transparency of remorse. Remorse is a significant mitigating factor in attorney discipline. Here, it is clear and unambiguous.

Ms. Florez-Warner wrote letters to the court apologizing, obtained an excellent mentor and acted on that mentor's suggestions. She also completed specific continuing legal education courses in bankruptcy practice to ensure her misconduct would not repeat itself. The proof of the impact of her remorse is evident in multiple ways. Her appreciation for the actions of a responsible judge who threatened Ms. Florez-Warner with an OSC to remove her license to practice in bankruptcy court is insightful. She has owned her personal problems and is protecting her clients from her previous absence of responsibility and "loss control" of her home and office. As importantly, real remorse goes beyond the borders of what is minimally required. Mr. Florez-Warner has demonstrated rehabilitation and a desire to serve the public as demonstrated by the positive assessment of her excellent mentor.

The object of lawyer discipline is to protect the public, the legal profession, the administration of justice, and to deter other attorneys from engaging in unprofessional conduct. *In re Peasley*, 208 Ariz. 27, 38, 90 P.3d 764, 775 (2004). Attorney discipline is not intended to punish the offending attorney, although the sanctions imposed may have that incidental effect. *Id.* In that context, the PDJ finds

given the considerable mitigation present and the demonstrable true remorse presented, the proposed sanction meets the objectives of discipline.

IT IS ORDERED incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: a sixty (60) day suspension, two (2) years of probation upon reinstatement (LOMAP including a practice monitor), and \$1,339.70 in costs, which shall be paid within thirty (30) days of the final judgment and order. These financial obligations shall bear interest at the statutory rate.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,339.70 and are to be paid within thirty (30) days. Now therefore, a final judgment and order is signed this date.

DATED 3rd day of November, 2015.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing were mailed/emailed this 3rd day of November, 2015 to:

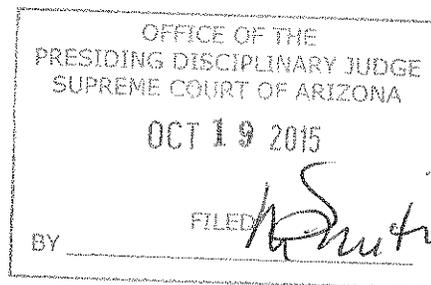
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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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STATE BAR OF ARIZONA,

VIDA Z. FLOREZ-WARNER,
Bar No. 013531

Respondent.

PDJ 2015-9093

State Bar File Nos. **14-1299**

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona through undersigned Bar Counsel, and Respondent Vida Z. Florez-Warner who is represented in this matter by counsel Karen Clark, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.¹ A probable cause order was entered on July 27, 2015, and a formal complaint was filed on September 8, 2015. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

¹All references herein to rules are to the Arizona Rules of the Supreme Court unless noted otherwise.

Pursuant to Rule 53(b)(3), notice of this agreement was provided to the complainant by letter on September 24, 2015. Complainant was notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Complainant does object to the agreement, concluding: "My suggestion would be that Vida Florez be disbarred for a minimum of five (5) years and that during that period that [sic] she be required to re-take law school. It is obvious, from Vida Florez's actions, that what she was supposed to learn in law school, both law and principals [sic], were never learned." The State Bar is filing a separate notice of Complainant's objection concurrently with filing this agreement.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ERs 1.1, 1.3, 1.4, 1.5(a), 3.4(c), 7.1, 7.4, and 8.4(d), and Rule 54. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: sixty-day suspension, and two years probation with LOMAP and a practice monitor upon reinstatement. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.² The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

WARNING OF PROBATION NON-COMPLIANCE

In the event that Respondent fails to comply with any of the foregoing probation terms, and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule

²Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

60(a)(5). The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether Respondent breached a term of probation and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

FACTS

COUNT ONE (File No. 14-1299/Friedman)

1. Respondent was licensed to practice law in Arizona on May 18, 1991.

2. Respondent is not a certified specialist in any field of law.

3. A Google search using the terms "Yuma Bankruptcy" produces this listing: "Yuma Bankruptcy Lawyer Vida Florez | Yuma Bankruptcy ... www.yumabankruptcylaw.com/. Specializes in family law and bankruptcy. Describes legal services offered and gives contact information." Respondent did not create her own listing but became aware of it when Complainant alleged its existence in his May 2014 charge that the State Bar transmitted to Respondent in June 2014. Thereafter she knowingly permitted the false and misleading communication about her and her services to remain on the internet in violation of ER 7.1. Respondent also violated ER 7.4 by stating that she is a specialist; there is no "knowing" component to ER 7.4.

4. **Perry case** – Respondent represented Michelle Perry in a Chapter 7 bankruptcy case (U.S. Bankruptcy Court for the District of Arizona, case no. 0:12-bk-16486-JMM). Respondent charged \$2,180.

5. In July 2012, Respondent filed the petition and schedules showing that Ms. Perry had no real property; minimal and routine personal property and exemptions; two liened cars (neither of which was claimed as exempt on Schedule

C); a single unsecured creditor in an "unknown" amount; and "none" in 36 of the 39 boxes of questions on the statement of affairs.

6. At the initial meeting of creditors trustee Lawrence Warfield extracted information from Ms. Perry that prompted Respondent to amend her schedules.

7. In September 2012 she amended the unsecured creditor list to add two more creditors with debts totaling \$33,000, and ascribed \$1,000 to the "unknown" debt.

8. Ms. Perry borrowed money from her employer secured by a lien on one of the cars in order to pay Respondent's fee, but Respondent did not produce documentation of the transaction with the petition or schedules.

9. The trustee questioned the arrangement and moved for an order compelling Ms. Perry to turn over the car but later withdrew that motion when Respondent documented the transaction.

10. Respondent failed to exercise diligence in obtaining sufficient information from Ms. Perry to file accurate and complete bankruptcy schedules.

11. Respondent charged and collected an unreasonable fee when she exerted minimal effort on Ms. Perry's behalf.

12. The trustee moved to disgorge fees on the grounds that the case was simple and Respondent's filings were incomplete or wrong. Respondent opposed the trustee's motion, and maintained that her fee was earned.

13. The debtor has a right to a correctly serviced bankruptcy case, and the other parties including the trustee are entitled to an accurate representation of a debtor's financial condition based on the information contained in the filings.

14. The filings are the trustee's roadmap on how to administer a case and he should not have to be a quality control agent for debtor's counsel.

15. Mistakes, inaccuracies, and amendments damage the administrative process of the bankruptcy estate.

16. After a hearing, Bankruptcy Judge James Marlar ruled that Respondent exerted minimal effort in the routine case and that \$1,500 was a reasonable fee.

17. Judge Marlar ordered Respondent to disgorge to the trustee \$680 within 30 days (February 3, 2013).

18. Respondent paid it three months later.

19. Were this matter to proceed to a contested hearing, Respondent would assert that she did perform services for this client which supported the fee she charged. The client's debts were discharged, the client's objectives were met, the client was satisfied with Respondent's services and did not complain to the State Bar. Respondent would assert that the court ordered her to disgorge her fee as a sanction for the mistakes she made in the case, which she readily admits. Respondent would claim that she did not violate ER 1.5(a) in the Perry case.

20. **Quintero-Favela case** - Respondent represented Everardo Quintero-Favela in a Chapter 7 bankruptcy case (U.S. Bankruptcy Court for the District of Arizona, case no. 0:12-bk-18101-JMM). She charged \$2,380.

21. In August 2012, Respondent filed the petition and schedules showing that Mr. Favela had no real property; minimal and routine personal property including two vehicles (a 2002 Chevy Silverado and a 1998 GMC) neither of which was claimed as exempt in Schedule C; no secured creditors; 17 unsecured creditors with debts

totaling \$34,549; and "none" in 34 of the 39 boxes of questions on the statement of affairs.

22. In the statement of affairs, Respondent claimed that the Silverado was sold for \$1,000 in June 2012.

23. Respondent sent trustee Warfield a note that the GMC was sold to pay attorney's fees.

24. In September, Respondent amended schedule B to remove the Silverado.

25. The trustee asked Respondent to produce photos of whichever vehicles Mr. Favela still had in his possession.

26. The trustee also asked an auction company to contact Mr. Favela to arrange to pick up whichever vehicles were still in Mr. Favela's possession since neither vehicle was claimed as exempt.

27. In October, Respondent filed another amended schedule B identical to the one she filed in September, indicating that Mr. Favela had possession of the GMC valued at \$2,800.

28. Respondent did not file an amended schedule C to claim an exemption for it.

29. The trustee told Respondent that the two schedule B amendments were the same.

30. Respondent then filed a third amended schedule B removing the GMC and adding the Silverado with a value of \$5,500. She did not file an amended schedule C to claim an exemption for it, and she told the trustee that there was a lien on it.

31. The trustee told her that no such lien was disclosed on schedule D so Respondent filed an amended schedule D to identify a lien held by Fast Auto loans for \$1,478.48.

32. Mr. Warfield filed a motion to disgorge fees based on the many and repeated errors in Respondent's petition, schedules, and amendments.

33. Mr. Warfield also filed a motion to turn over whichever vehicle Mr. Favela had in his possession.

34. Respondent apologized for her errors. Mr. Favela does not speak fluent English "and I am afraid he does what I do when someone speaks Spanish to me, I just say yes, even though I do not completely understand."

35. Respondent amended the schedules to reflect that Mr. Favela possessed the Silverado, it has a lien on it, and he claims it as exempt.

36. The trustee withdrew the motion to turn over assets.

37. The court held a hearing on the motion to disgorge fees.

38. Judge Marlar determined that Respondent "filed a flurry of pleadings designed to save the vehicles for the Debtor and accomplish what should have been done in the originally-filed scheduled. This was sloppy at best, incompetent at worst."

39. Judge Marlar concluded that \$1,500 was a reasonable fee and ordered Respondent to disgorge \$880 to the trustee within 30 days (February 6, 2013).

40. Respondent did so approximately six weeks later.

41. **Villalobos case** - Respondent represented Ruben and Kim Villalobos in a Chapter 7 bankruptcy case (U.S. Bankruptcy Court for the District of Arizona, case no. 0:12-bk-18838-JMM).

42. Respondent charged \$2,074 and in August 2012 filed the petition and schedules.

43. Respondent knew that her clients made an \$8,035 preference payment to a relative in June 2012.

44. Although Respondent told them that this would arise as an issue at some point she did not disclose it in the statement of affairs as required.

45. The clients disclosed information to trustee Warfield which exposed the payment, and he further explored the issue with them at the first meeting of creditors. Respondent filed an amended statement of affairs and schedule concerning the transaction and the relative's claim as an unsecured creditor.

46. Mr. Warfield filed a motion to disgorge fees and in her response, Respondent apologized but assured the court that there was no fraud.

47. By failing to disclose a required fact in her clients' bankruptcy petition and supporting documents, Respondent violated disclosure rules and subjected her clients to civil and criminal penalties.

48. The court conducted a hearing and ruled as follows:

The Trustee's current motion is addressed to the legal and ethical responsibilities of Debtors' counsel to report, and herself discover and disclose, these same, critical facts [regarding the preference payment]. Her job is not to protect the Debtors from the legal consequences of their behavior. Debtors' counsel does not plead that she did not know of this fact at the time the case was being processed by her. She only now asks for the court's understanding and mercy.

The Debtor's attorney was wrong in not disclosing this critical fact. Bankruptcy is not a game of 'hide the ball,' to force others within the system to ferret out critical facts. If a lawyer wishes to play that game, she stands to forfeit her license to practice law, and subjects her clients to fines and prison time for perjury in signing their bankruptcy papers under oath.

The judge ordered Respondent to disgorge her entire fee of \$2,074 within 30 days (February 6, 2013). Respondent did not pay until April 10, 2013.

49. **Fernandez case** - Respondent represented Thomas and Jamie Fernandez in a Chapter 7 bankruptcy case (U.S. Bankruptcy Court for the District of Arizona, case no. 0:12-bk-19916-JMM).

50. Respondent charged \$2,380 for the bankruptcy and an additional \$1,000 to represent the Fernandezes in a separate civil case.

51. In September 2012, Respondent filed the petition and schedules.

52. Respondent listed her attorney's fees at \$3,380 without delineating the different legal matters to which they applied.

53. Respondent knew that her clients liquidated a \$16,000+ non-exempt investment account within 35 days prior to the filing date and used those funds to remodel their home and buy new furniture and appliances. Household furnishings are exempt property up to a value of \$8,000. The cost of the new furniture and appliances was \$4,811.10 but Respondent ascribed only a \$2,000 value to the new and other household goods on schedule B.

54. Mr. Warfield filed a motion to disgorge fees.

55. Respondent filed amended schedules and an amended statement of affairs to increase the value of home furnishings to an amount that still was within the \$8,000 exemption.

56. In Respondent's response to the trustee's motion she apologized and stated that she started a new procedure to maximize all exemptions so that valuation issues no longer would arise in her cases.

57. The State Bar takes the position that Respondent helped her clients convert non-exempt property (investment funds) into exempt property (household furniture and appliances), and the \$1,000 legal fee for an unrelated civil matter constituted an illicit preference. Should this matter proceed to hearing Respondent would present evidence that the conversion was lawful and permitted by the bankruptcy code.

58. The court conducted a hearing and ruled as follows:

The Trustee's concerns here deal with the allegation that the attorney assisted her clients in transforming non-exempt assets into exempt assets, and then inaccurately reported the values of the newly-acquired items. In addition, the Trustee ferreted out an additional—and undisclosed—\$1,000 paid to the attorney, which she responds was for an unrelated civil matter.

The Trustee is correct on all fronts. An attorney must be candid and openly honest in all matters presented to the court. The \$1,000 paid for the unrelated matter was required to be disclosed in questions 3 or 9 of the statement of affairs. This was dishonest not to report it. Nor was it reported in the amendments

As a sanction for non-disclosure of the \$1,000 paid for the alleged unrelated matter, the court will order a sanction of \$1,000 to be paid to the Trustee, for distribution to creditors. For failure to accurately describe property values, knowing about the conversion of non-exempt assets to exempt ones, the Debtor's attorney is penalized \$500, as a reduction of her fee of \$2,380.

59. Judge Marlar ordered Respondent to disgorge \$1,500 within 30 days (February 6, 2013).

60. Respondent did not pay by the deadline but her late payment is reflected on the trustee's August 2014 Final Account and Distribution Report.

61. **Salazar case** - Respondent represented Juan and Patricia Salazar in a Chapter 7 bankruptcy case (U.S. Bankruptcy Court for the District of Arizona, case no. 12-04792 EWH).

62. Respondent charged them \$1,700.
63. Trustee Warfield filed a motion to compel production of certain documents.
64. Respondent did not file a response or contest the trustee's motion.
65. The Salazars failed to obey the ensuing court order to give the trustee certain documents and to file tax returns in part through Respondent's failure to communicate with them and in part because she left them to deal directly with the trustee's office.
66. Owing to Respondent's lack of involvement the Salazars erroneously believed that giving the trustee their tax refund ended the case.
67. In May 2013, Mr. Warfield opened adversary proceedings and filed a complaint to revoke the Salazars' discharge.
68. Mr. Warfield properly served the complaint on the Salazars and Respondent.
69. Respondent did not file an answer. Although she was counsel of record for the Salazars she claims that they did not retain her to represent them in adversary proceedings. In June the court entered a non-dischargeable judgment by default for \$8,433.00.
70. In August, Respondent moved to withdraw from the representation based on the Salazars' purported lack of communication and cooperation with her.
71. The court granted Respondent's motion in September.
72. The trustee hired a collection firm to collect on the judgment. It served a writ of garnishment on the Salazars.

73. The Salazars contacted Respondent and Respondent gave the Salazars copies of the relevant correspondence. Prior to this, the Salazars had failed to respond to numerous contacts from Respondent, which is why she had moved to withdraw.

74. In October 2013, Respondent filed a new notice of appearance stating that the Salazars paid her an additional \$1,500 to resolve all outstanding issues and to reinstate their discharge.

75. The State Bar takes the position that Respondent's services did not materially help the Salazars. Should this matter proceed to hearing Respondent would present evidence refuting that assertion.

76. The \$3,200 in fees that the Salazars paid Respondent could have gone to creditors.

77. Respondent did not file responses to the trustee's motion to compel production of documents.

78. Respondent did not communicate adequately with her clients.

79. Respondent failed timely to appeal the nondischargability judgment.

80. Mr. Warfield filed a motion seeking an order that Respondent disgorge all fees (\$3,200).

81. The court conducted a hearing in November.

82. Judge Eileen Hollowell ordered Respondent to disgorge \$3,200 and apply it to the judgment the trustee obtained against the debtors.

83. Judge Hollowell also ordered Respondent to obtain CLE in bankruptcy within 60 days and file a notice of compliance, failing which Judge Hollowell would issue an OSC as to why Respondent should not be barred from practicing in Arizona's

bankruptcy courts "because you are not meeting the standards that are required to represent debtors."

84. Judge Hollowell also ordered the trustee to give the Salazars the debtors' self-help information available through the bankruptcy court's website.

85. Respondent paid the \$3,200 in December 2013 and obtained the ordered CLE in January 2014.

86. Judge Hollowell decided that Respondent complied with her order and did not hold an OSC.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that her conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.1, 1.3, 1.4, 1.5(a), 3.4(c), 7.1, 7.4, and 8.4(d), and Rule 54.

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss the ER 8.4(c) charge. Evidence supporting the bar's allegations that Respondent violated ER 8.4(c) included the bankruptcy court's findings that Respondent acted dishonestly in the *Villalobos* and *Fernandez* cases, described above. Respondent offered new evidence to bar counsel during the negotiation of this consent in which she explained her actions in those cases. The bar conditionally accepts that Respondent had her bankruptcy clients complete a "Due Diligence Package" in which they were required to disclose to her various financial dealings and transactions. Additionally, bankruptcy trustee Warfield had a practice of requiring bankruptcy petitioners complete a form and submit it

directly to him. Respondent refers to it as the "Warfield Package." In both *Villalobos* and *Fernandez*, Respondent's clients revealed the relevant transactions in Respondent's Due Diligence Package, and Respondent furnished the same information to Mr. Warfield in the Warfield Package. There was full disclosure to Mr. Warfield; that is how he knew to ask about the transactions at the §341 initial meeting of creditors.

Also, in *Fernandez* Respondent represented her clients both in the bankruptcy case and in a separate civil matter. Although she accepted fees for handling the civil case it did not occur to her that the payment constituted a preference or that she was a creditor in her own clients' bankruptcy case. She did not have sufficient bankruptcy knowledge or experience to realize that there was an issue. Unfortunately, and as she concedes, Respondent was not competent in preparing her clients' petitions, either personally or through supervision of her office staff. Although the correct accounting did not reach the bankruptcy judge via accurate petitions and schedules, Respondent did not deliberately conceal information from the court or trustee.

With respect to the issue in *Fernandez* involving household goods, Respondent disagrees with the trustee's legal analysis and would present expert testimony at a hearing that the Fernandezes' actions were legal.

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: sixty-day suspension, two years probation upon reinstatement with

LOMAP and a practice monitor, and costs as detailed above. If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The duty violated

Respondent violated her duties to her clients (ERs 1.1, 1.3, 1.4 and 1.5), the legal profession (ERs 1.5(a), 7.1, and 7.4), and the legal system (ERs 3.4(c) and 8.4(d)).

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent acted knowingly and negligently.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that Respondent caused actual injury and potentially serious injury to her clients, opposing parties and counsel, the courts, and to the legal system.

Based on the foregoing, the parties agree that the following *Standards* are applicable:

ER 1.1

Standard 4.52 - Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.

ERs 1.3 and 1.4

Standard 4.41(c) - Disbarment is generally appropriate when: . . . (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(b) - Suspension is generally appropriate when: . . . (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

ER 1.5(a)

Standard 7.3 - Reprimand is generally appropriate when a lawyer negligently 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.

ER 3.4(c)

Standard 6.22 - Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

ERs 7.1 and 7.4

Standard 7.4 - Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence that is a violation of a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system.

ER 8.4(d)

Standard 6.12 - Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the

court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

Standard 6.22 - 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.

The *Standards* do not account for multiple charges of misconduct. The ultimate sanction should at least be consistent with that for the most serious instance of misconduct among a number of violations. *Standards*, "II. Theoretical Framework". Thus, the presumptive sanction is suspension and perhaps even disbarment.

Aggravating and mitigating circumstances

The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22--

- (a) prior disciplinary offenses;
 - 2011, 10-2260, Reprimand and restitution (\$2,500), ERs 1.1, 1.5(b), 1.5(d)(3), and 3.1.
 - 2010, 09-1730, Informal Reprimand (currently Admonition) and Probation for 1 year (CLE), ERs 1.1, 1.3, 3.1, 4.4(a), Rule 41(b).
 - 2007, 07-0594, Probation for 1 year (TAEPP, LOMAP), ER 1.5(d)(3) and Rules 43-44.
 - 2005, 04-2045, Informal Reprimand and Probation for 1.5 years (LOMAP, CLE, Practice Monitor), ER 1.1.
- (b) selfish motive;
 - (c) a pattern of misconduct;
 - (d) multiple offenses; and
 - (i) substantial experience in the practice of law.

In mitigation:

Standard 9.32—

(b) absence of a dishonest motive. Respondent did not attempt to hide the ball from the bankruptcy court in any of these cases. The errors in her petitions were due to negligence and competency issues, which she readily admits. Her clients provided all pertinent information to her and to the trustees – she simply did not list that information in the appropriate way in her filings with the court.

(c) personal or emotional problems. At the time of these events, Respondent was experiencing serious personal circumstances which were the main contributing cause of her misconduct. Those issues are fully described in her attorney's letter to bar counsel dated September 8, 2015, a copy of most of which is attached as Exhibit B.³

(d) timely good faith effort to make restitution or to rectify consequences of misconduct. Respondent on her accord obtained the help of a practice mentor to completely turn her bankruptcy practice around. Her efforts in that regard are fully described in Exhibit B, which also attaches apology letters she wrote to the trustees and judges involved in these matters.

(e) full and free disclosure to a disciplinary board or cooperative attitude toward proceedings. Respondent fully cooperated in the State Bar's investigation. While self-represented she timely, respectfully and fully responded to every query from Bar Counsel. She provided documents as requested and engaged in numerous discussions with Bar Counsel. She returned every phone call and responded to every email. She made every effort to fully participate in the investigation and respond to the charges.

(g) character or reputation. Respondent is well liked by her clients. She is well respected in her community, and rose from very humble beginnings and a troubled youth to achieve the status of being an attorney. Attached to Exhibit B is a character letter in support of this mitigating factor.

(k) imposition of other penalties or sanctions. In the *Villalobos* case Respondent was ordered to disgorge \$2,074.00 for non-disclosure of the preferential payment. This was her entire fee. In *Fernandez*, Respondent

³ That letter combined settlement discussions (that are irrelevant to this consent agreement) with mitigation information. The parties agreed to redact the irrelevant information from the court's version of the letter. By separate stipulation or motion, the parties or Respondent will ask the court for a seal order in whole or in part regarding the letter both as Exhibit B to this consent and in the form in which it exists in the State Bar's public file.

was ordered to disgorge \$1,000.00 for not properly disclosing this amount as a preferential payment, along with \$500.00 for not updating Schedule B to include the new furniture and appliances purchased with the stock that the clients cashed in. The judge did not order any disgorgement for converting stocks into home furnishings or appliances, since this is completely allowed. The clients did get a discharge so they paid her \$80.00 to get a discharge. The filing fee was \$306.00 so it cost her \$226.00 to help her client get a discharge. In the *Salazar* case, Respondent was ordered to disgorge \$3,200.00. This amount was for both the bankruptcy petition and adversary case. Respondent therefore had to disgorge her entire fee. In *Perry*, Respondent was ordered to disgorge, \$680.00 of the \$2,180.00 charged. Respondent made \$1,194.00 on this case since the filing fee of \$306.00 was paid when filed.

(l) remorse. Respondent is extremely remorseful for her conduct. Moreover, she was remorseful and expressed her remorse to the trustees and courts involved at the time of the events at issue here. Attached to Exhibit B are letters she sent to Judge Hollowell, Trustee Smith and Trustee Warfield. The letters were sent on January 2, 2013, long before the bar charge was filed. Respondent apologized, appropriately and without prompting, at the time and to the appropriate authorities. She can do no more now than to offer that same apology to the State Bar and the PDJ.

Discussion

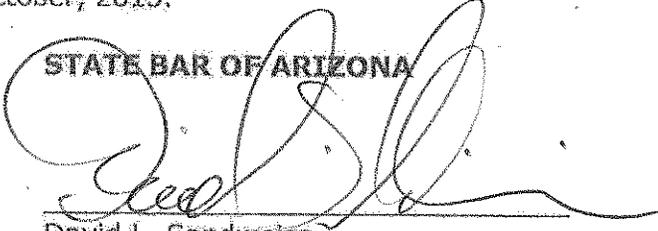
The parties conditionally agree that, upon application of the aggravating and mitigating factors, the presumptive sanction of suspension is appropriate. The parties further conditionally agree that a short-term suspension paired with probation upon reinstatement, rather than a long-term suspension, is sufficient to satisfy the purposes of lawyer discipline. Competence is Respondent's fundamental problem. She has a discipline history of ER 1.1 violations that have garnered her sanctions of admonition and reprimand. Suspension in this case is consistent with the concept of progressive discipline for similar violations. Were it not for Judge Hollowell's intervention and the educational steps Respondent has taken to improve her competence in bankruptcy, the State Bar likely would have insisted on a long-term suspension with the attendant

requirement of formal reinstatement proceedings. Because Respondent did and continues to commit to improve her lawyering skills, probation following a 60-day suspension meets the needs, goals, and purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of a sixty-day suspension and probation, and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit C.

DATED this 16th day of October, 2015.

STATE BAR OF ARIZONA

David L. Sandweiss
Senior Bar Counsel

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

DATED this 16th day of October, 2015.


Vida Z. Florez-Warner
Respondent

DATED this 16th day of October, 2015.

Adams & Clark PC



Karen Clark
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 19th day of October, 2015.

Copies of the foregoing mailed/emailed
this 19th day of October, 2015, to:

Karen Clark
Adams & Clark PC
520 E. Portland St.
Phoenix, AZ 85004-1843
karen@adamsclark.com
Respondent's Counsel

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

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov

Copy of the foregoing hand-delivered
this 19th day of October, 2015, to:

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

by: Jackie Davender
DLS: jld

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Vida Z. Florez-Warner, Bar No. 013531, Respondent

File No. 14-1299

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

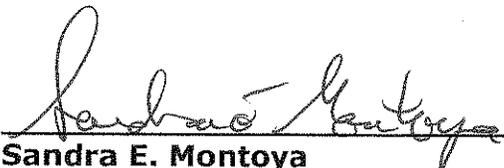
Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

04/03/15	Computer investigation reports – PACER	\$	0.60
04/30/15	Computer investigation reports – PACER	\$	4.10
05/06/15	Computer investigation reports – PACER	\$	10.40
05/29/15	Computer investigation reports – PACER (5/13 – 5/29)	\$	124.60

Total for staff investigator charges \$ 139.70

TOTAL COSTS AND EXPENSES INCURRED \$ 1,339.70

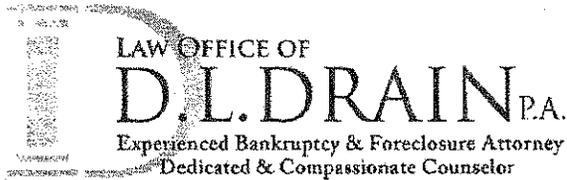


Sandra E. Montoya
Lawyer Regulation Records Manager

10-6-15

Date

EXHIBIT 3



September 02, 2015

Karen Clark, Esq.
Adams & Clark, P.C.
520 E. Portland St, Suite 200
Phoenix, Arizona 85004

REGARDING: Vida Florez

Dear Karen:

The following is a very brief description of my work with Ms. Vida Florez. In January of 2014 Vida Florez contacted me regarding a mentoring relationship. Bankruptcy Judge Eileen Hollowell suggested Ms. Florez seek help, which Ms. Florez did so immediately. Hence our relationship developed. She had taken over several files from another attorney and was concerned about the quality of the work in the files, plus she was trying to learn some of the more complex bankruptcy theories and manage her own existing clients. She also wanted to improve her office systems for data management and client communications.

On January 22, 2014 Ms. Florez and her assistant drove from Yuma to my office in Phoenix and spent approximately four hours discussing several issues, including law office management, how to handle consumer bankruptcy data and client education. We decided to schedule weekly telephone discussions that would include everything important in operating a busy, consumer office.

From January 17, 2014 to November 5, 2014 we had approximately thirty-three telephonic or in-person discussions which included consumer bankruptcy issues, law office management, staff management and significant problems with the attorney who sold her bankruptcy practice. At all times Ms. Florez was willing to accept any suggestions from me or my staff. She was eager to make her practice more efficient and improve her legal skills. She followed all my suggestions, such as joining a bankruptcy mentoring group and taking CLE programs on law office and client management.

I found Ms. Florez to be very willing to accept any guidance and implement any suggestions. She was always focused on providing the best legal services she could for her clients. In addition, she was committed to training her staff so as to achieve her goal of excellence.

One East Camelback Rd., Suite 550
Phoenix, Arizona 85012
www.DianeDrain.com

Phone: 602-246-7106
Fax: 602-249-1969
E-mail: DDrain@DianeDrain.com

We are proud to help people and small businesses in bankruptcy. We are a debt relief agency.



It was unfortunate that Ms. Florez was caught in a situation where she was relatively new to bankruptcy and was faced a very difficult bankruptcy trustee and a bankruptcy judge who would not give any latitude to someone who accepted their shortfalls, had already reached out for assistance and was making great strides in improving her practice.

During the year we worked together Ms. Florez' impressed me with her commitment to providing quality assistance to her consumer bankruptcy clients and her willingness to follow my suggestions about managing her law firm. Initially I expected that Ms. Florez would be defensive and reluctant to listen to my ideas. She proved me wrong from the very beginning.

I had the occasion to talk to Judge Eileen Hollowell at the end of 2014. She thanked me for helping Ms. Florez and felt that Ms. Florez was "on the right track".

I am more than happy to answer any questions someone may have about Ms. Florez. Thank you for giving me the opportunity to voice my opinion about her commitment to her clients and to our profession.

Sincerely,

Diane L. Drain
Attorney and Counselor at Law

DLD/jm

EXHIBIT 4

Certificate of Completion

State Bar of Arizona

Name: Vida Florez-Warner

Member ID: 013531

Purchase Date: Monday, November 25, 2013

Completion Date: 11/1/2014 2:07 PM Arizona

Transaction ID: 62bf8cb4-b8fa-49a7-bd0d-1ec1dbf4bfc3

Course Title: Trial Practice in Consumer Bankruptcy Cases

Course Number: J1330-499

Duration:

Course Type: OnDemand

Faculty: Madeleine Wanslee, Dan Garrison, Scott Hyder,
Harold Campbell, Josh Kahn, Roger Cohen,
Andrea Wimmer, Partner, Ilene Lashinsky,
Jennifer Giaimo, Joel Newell, Jessica Kenney

Original Course Provider: State Bar of Arizona

Credit Information: 6.00 CLE;

Course Description:

Trial Practice in Consumer Bankruptcy Cases

Please allow 48-72 hours for your completed CLE seminar to show on your State Bar of Arizona CLE tracking page. Self-study courses must be manually entered on your CLE tracking page.

If you attended a State Bar event but it does not appear on your tracking page, **contact the CLE department at 602-340-7323 or email cleinfo@staff.azbar.org to have it corrected before submitting your affidavit.**

REMINDER: To ensure compliance with Rule 45(f), Ariz. R. Sup. Ct., records of continuing legal education are to be maintained by the member for three years after the filling of your annual MCLE

~~affidavit. Records may be maintained in an electronic format. Record retention requirements for other MCLE jurisdictions are the responsibility of the provider.~~

Continued CLE Courses



**CERTIFICATE OF COMPLETION
FOR
ARIZONA (AZ) MCLE CREDIT**

Vida Florez

HAS SUCCESSFULLY COMPLETED

Chapter 13 Bankruptcy for the Non Bankruptcy Attorney

TOTAL Hours: In its entirety, this program may provide 1.00 hrs Interactive CLE credit hours based on a 60-minute hour.

PROVIDER: Attorney Credits
PROVIDER NUMBER: N/A

COURSE COMPLETION DATE: 11/06/2014
BAR NUMBER: 013531

Continued CLE Courses

EXHIBIT 5



**HARVEST
PREPARATORY
ACADEMY**

*Where failure is
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Yuma, AZ 85364

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*Harvest Preparatory
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Yuma, Arizona*

*Harvest Preparatory
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San Luis, Arizona*

*Harvest Preschool
San Luis, Arizona*

*Harvest Preparatory Academy
offers equal opportunity in
education and employment*

August 27, 2015

To Whom It May Concern,

I am writing this letter on behalf of Mrs. Vida Z. Flores. It has been my experience that she is a woman of impeccable character, as I know Vida both personally and professionally. Throughout the 5 years that I have known her, Mrs. Flores has succeeded admirably at running her personal business generously provided discounted legal services to those in need. She attends and serves at her local church and also serves as a Harvest Preparatory Academy Board member that services 2000 students statewide in Yuma, San Luis, and Goodyear, Arizona. Her strong sense of duty applies to her family, job, and community, so I am happy to wholeheartedly endorse Vida's impeccable character.

Sincerely,

Mrs. Deborah G. Ybarra
Executive Director

dgy/nt



EXHIBIT 6

FILE COPY

Law Office of Vida Z. Florez PLLC. 150 W Court St., Suite C
Yuma, Arizona 85364

Telephone: (928) 329-6101

Fax: (928) 329-8699

January 2, 2013

Lawrence J. Warfield
U. S. Bankruptcy Trustee
P. O. Box 14647
Scottsdale, AZ 85267

Jim Smith (hand delivered)
U.S. Bankruptcy Trustee
Yuma, AZ

RE: CLE's Letter to Hollowell

Attorney Diane Drain received a great complement by one of the Phoenix Trustee's, and that was once they saw Diane's Petitions, they knew that she uncovered everything that needed to be disclosed and not much work was left for the Trustee. In other words, her Petitions could be trusted.

I understand, now, that I need to gain your trust when it comes to filing Petitions, this is why I am taking more CLE's and asked Bankruptcy attorney, Diane Drain to be my mentor.

Thanks to Diane, I am developing new policy and procedures when it comes to bankruptcies. I am now using Amicus to help better case management, I am asking for more Bank records, DMV records, and improving on my due diligence.

I have attached a copy of the letter I sent to the Honorable Hollowell, and I thought it would be a good idea if I wrote you personally to apologize to you, and your staff, for my past mistakes and any future ones as I am improving my procedures.

My goal is to turn this around so that you, the Trustee, will move to a place of confidence when you see my Petitions.

Thank you in advance for your consideration and patience.

Respectfully submitted,

Vida Z. Florez

Law Office of Vida Z. Florez PLLC.
150 W Court St., Suite C
Yuma, Arizona 85364
vida@lawofficevzf.com

FILE COPY

Telephone: (928) 329-6101

Fax: (928) 329-8699

January 2, 2013

Honorable Eileen W. Hollowell
U.S. Bankruptcy Judge
John M. Roll United States Courthouse,
98 W. 1st Street, Courtroom 1,
Yuma, AZ 85364

Re: 6 hours of CLE, including Ethics

Dear Honorable Hollowell:

I apologize to this Court, the clerks and the Trustees for all of the extra time each had to spend on my Petitions because I was not ready for the Bankruptcy case load I assumed when I purchased Mr. Friedman's bankruptcy business in June, 2012.

Although I can not promise anyone that I will never make another mistake, I can promise you that I will strive to do my best, which is why I have taken extra CLE's and asked Bankruptcy attorney, Diane Drain, to be my mentor, and she has agreed.

You asked me to prove to you that I finished my CLE's before January 25, 2014, and I finished them in December, 2013. Enclosed is a certificate which proves that I completed 6.25 hours of a Bankruptcy CLE's, which included one hour of Ethics. Attorney, Diane Drain was the main speaker and I have already called her for help. I understand how truly blessed I am to have her as my mentor. In just a little over two hours of talking to attorney Drain, I learned a lot and have already started the changes in my office.

In the State courts, I am use to having a good relationship with the judges. Of course I want this Court and both Trustees' to think well of me and my work. It will be my goal to turn this negative situation into a positive one by following Attorney Drain's advice and strive for excellence in my Bankruptcy practice.

We are setting up more meeting times now, but it appears I will be traveling to Phoenix at least once a month to meet attorney Drain and we will be periodically talking over the phone.

FILE COPY

Page Two

I just want you to know that I enjoy practicing Bankruptcy. I do not want to practice in any other area since this is the one area where I can offer peace in the midst of financial turmoil by helping my clients get a fresh start, and guiding them to saving and investment resources that will propel them into a stronger financial future.

I have not limited myself to just 6 hours as you ordered. I also paid for and I am in the process of taking another 6 hour course on "Trial Practice in Consumer Bankruptcy Cases." The smaller entries, "Bankruptcy and its Impact on Lien Enforcement" and "Bankruptcy Basics" are important materials that I have read and will continue to review.

I will send you an update when I finish the other major CLE course.

Respectfully submitted,

Vida Z. Florez

Certificate of Completion*State Bar of Arizona***Name:** Vida Florez-Warner**Member ID:** 013531**Purchase Date:** Monday, November 25, 2013**Completion Date:** 12/30/2013 12:49 AM Arizona**Transaction ID:** 62bf8cb4-b8fa-49a7-bd0d-1ec1dbf4bfc3**Course Title:** Consumer Bankruptcy 101**Course Number:** J1297-499**Duration:** 6 hours 10 minutes**Course Type:** OnDemand**Faculty:** Carolyn Tatkin, Scott Hyder, Andrea Wimmer,
Partner, Karen Clark, Cristina Perez, Bellah Perez
PLLC, Diane Drain, Joel Newell**Original Course Provider:** State Bar of Arizona**Credit Information:** 6.25 CLE;
1.00 Ethics; ✓✓**Course Description:**

Consumer Bankruptcy 101

Please allow 48-72 hours for your completed CLE seminar to show on your State Bar of Arizona CLE tracking page. Self-study courses must be manually entered on your CLE tracking page.

If you attended a State Bar event but it does not appear on your tracking page, contact the CLE department at 602-340-7323 or email cleinfo@staff.azbar.org to have it corrected before submitting your affidavit.

REMINDER: To ensure compliance with Rule 45(f), Ariz. R. Sup. Ct., records of continuing legal education are to be maintained by the member for three years after the filing of your annual MCLE

~~Bar and records may be maintained in an electronic format. Record retention requirements for other MCLE jurisdictions are the responsibility of the member to determine.~~

Submitted to Judge

EXHIBIT C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

Vida Z. Florez-Warner,
Bar No. 013531,

Respondent.

PDJ 2015-9093

FINAL JUDGMENT AND ORDER

State Bar No. 14-1299

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

IT IS HEREBY ORDERED that Respondent, **Vida Z. Florez-Warner**, is hereby suspended for sixty days for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order or _____.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years with LOMAP and a practice monitor.

PROBATION NON-COMPLIANCE WARNING

In the event that Respondent fails to comply with any of the foregoing probation terms, and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether Respondent breached a term of probation and,

if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of October, 2015.

William J. O'Neil, Presiding Disciplinary Judge

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

Copies of the foregoing mailed/mailed
this _____ day of October, 2015, to:

Karen Clark
Adams & Clark PC
520 E. Portland St.
Phoenix, AZ 85004-1843
Email: karen@adamsclark.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of October, 2015, to:

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

Copy of the foregoing hand-delivered
this _____ day of October, 2015, to:

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

by: _____