

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**MARC A. ADAIR,  
Bar No. 014938**

Respondent.

**PDJ-2015-9047**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 14-1757, 14-3106]

**FILED OCTOBER 13, 2015**

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Modified Agreement for Discipline by Consent filed on September 24, 2015, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS HEREBY ORDERED** Respondent, **Marc A. Adair**, is hereby suspended for sixty (60) days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this Order.

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

**IT IS FURTHER ORDERED** Mr. Adair shall participate in the State Bar's Law Office Management Assistance Program (LOMAP). Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258 within ten (10) days from the date of this Order and shall submit to a LOMAP assessment of his office procedures. Mr. Adair shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. The probation period is effective the date of this Order

and shall conclude two (2) years from that date. Mr. Adair shall be responsible for any costs associated with LOMAP.

**IT IS FURTHER ORDERED** prior to reinstatement, Mr. Adair shall obtain a Member Assistance Program (MAP) assessment. Mr. Adair shall contact the State Bar Compliance Monitor at (602) 340-7258 within ten (10) days from the date of this Order to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Mr. Adair is responsible for costs associated with the MAP assessment.

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

#### **NON-COMPLIANCE LANGUAGE**

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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

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

**DATED** this 13<sup>th</sup> day of October, 2015.

*William J. O'Neil*

---

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

Copy of the foregoing mailed/emailed  
this 13<sup>th</sup> day of October, 2015.

Marc A. Adair  
Adair Law Group, LLC  
Biltmore Office Plaza  
2942 N. 24th Street, Suite 114  
Phoenix, Arizona 85016-7849  
Email: marc\_adair2000@yahoo.com  
Respondent

Craig D. Henley  
Senior Bar Counsel - Litigation  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

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

by: MSmith

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

---

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

**MARC A. ADAIR,**  
**Bar No. 014938**

Respondent.

**PDJ-2015-9047**

**ORDER ACCEPTING  
MODIFIED AGREEMENT FOR  
DISCIPLINE BY CONSENT**

[State Bar No. 14-1757, 14-3106]

**FILED OCTOBER 13, 2015**

Probable Cause Orders were filed on April 20, 2015 and May 21, 2015. The formal complaint was filed on June 2, 2015. An Agreement for Discipline by Consent ("Agreement") was filed on September 4, 2015, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct<sup>1</sup>. On September 18, 2015, the Court requested the parties modify the Agreement to include a Member Assistance Program (MAP) assessment prior to reinstatement. On September 24, 2015, a Modified Agreement was filed, which included the requested modification of a MAP assessment.

Rule 57 (a)(3) provides that 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

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

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), notice of this Agreement was provided to the complainant(s) and they were notified of the opportunity to file a written objection to the Agreement with the State Bar within five (5) days of bar counsel's notice. No objection was received.

On multiple occasions, Mr. Adair knowingly failure to adequately communicate and represent his clients. Mr. Adair also failed to respond to the State Bar's inquiries. Mr. Adair conditionally admits to violating Rule 42, ERs 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16(d) (declining/terminating representation), 3.2 (expediting litigation) 8.1(b) (failure to respond to disciplinary authority), 8.4(d) (conduct prejudicial to the administration of justice) and Rule 54(d) (failure to respond to inquiry of the State Bar).

The parties agree that suspension is the presumptive sanction and *Standards* 4.42, 4.12, 6.22 and 7.2, apply to Mr. Adair's particular misconduct. The parties agree to a sixty (60) day suspension, effective thirty (30) days from this Order, two (2) years of probation upon reinstatement with the State Bar's Law Office Management Assistance program (LOMAP), a MAP assessment prior to reinstatement, and the payment of \$1,200.00 in costs and expenses related to this disciplinary proceeding within thirty (30) days from this Order.

### **Aggravation and Mitigation**

The parties agree aggravating factors include: 9.22(a) (prior disciplinary offenses), 9.22(c) (pattern of misconduct), and 9.22(d) (multiple offenses). Mitigating factors include: 9.32(c) (personal and emotional problems). During the

period of misconduct, Mr. Adair experienced health issues, his father-in-law passed away, and he also experienced other personal family matters involving his nephew.

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. *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.* Accordingly:

**IT IS ORDERED** incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are a thirty (60) day suspension effective thirty (30) days from this Order, two (2) years of probation upon reinstatement (LOMAP and MAP assessment prior to reinstatement) and costs and expenses of the disciplinary proceedings for \$1,200.00. These financial obligations shall bear interest at the statutory rate.

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

**DATED** 13<sup>th</sup> day of October, 2015.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 13<sup>th</sup> day of October, 2015.

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85016-6266  
Email: lro@staff.azbar.org

Marc A. Adair  
Adair Law Group, LLC  
Biltmore Office Plaza  
2942 N. 24<sup>th</sup> Street, Suite 114  
Phoenix, AZ 85016-7849  
Email: marc\_adair2000@yahoo.com  
Respondent

Lawyer Regulation Records Manager  
State Bar of Arizona  
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Phoenix, AZ 85016-6266  
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by: MSmith

Craig D. Henley, Bar No. 018801  
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Marc A. Adair, Bar No. 014938  
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Phoenix, Arizona 85016-7849  
Telephone (602) 424-7471  
Email: [marc\\_adair2000@yahoo.com](mailto:marc_adair2000@yahoo.com)  
Respondent

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**MARC A. ADAIR,  
Bar No. 014938**

Respondent.

**PDJ 2015-9047**

**MODIFIED AGREEMENT FOR  
DISCIPLINE BY CONSENT**

[State Bar File Nos. 14-1757 and  
14-3106]

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Marc A. Adair, who has chosen not to seek the assistance of counsel, hereby submit this Modified Agreement for Discipline by Consent in accordance with the Presiding Disciplinary Judge's Request to Modify Consent For Discipline filed September 18, 2015.

The parties incorporate by reference the Agreement for Discipline By Consent filed September 4, 2015, to the extent that it accords with the findings contained

PDJ's September 18, 2015 order including, but not limited to, all of the conditional admissions and stipulations contained therein.

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.

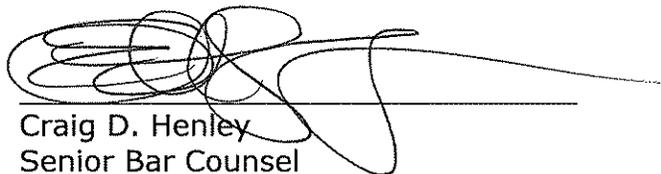
Upon acceptance of this modified agreement, Respondent agrees to accept imposition of the following discipline: Sixty Day Suspension with two years of probation requiring Respondent to obtain a Member Assistance Program (MAP) assessment prior to reinstatement and participate in the State Bar's Law Office Management Assistance Program (LOMAP), if reinstated.

### **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 suspension for sixty days and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit A.

**DATED** this 24<sup>TH</sup> day of September 2015.

### **STATE BAR OF ARIZONA**

  
\_\_\_\_\_  
Craig D. Henley  
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 23<sup>rd</sup> day of September, 2015.

  
Marc A. Adair  
Respondent

Approved as to form and content

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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 \_\_\_\_\_ day of September 2015.

Copies of the foregoing mailed/emailed  
this \_\_\_\_\_ day of September 2015 to:

Marc A. Adair  
Adair Law Group, LLC  
Biltmore Office Plaza  
2942 N. 24th Street, Suite 114  
Phoenix, Arizona 85016-7849  
marc\_adair2000@yahoo.com  
Respondent

Copy of the foregoing emailed  
this \_\_\_\_\_ day of September, 2015, to:

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

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

**DATED** this \_\_\_\_\_ day of September, 2015.

---

Marc A. Adair  
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 24<sup>TH</sup> day of September 2015.

Copies of the foregoing mailed/emailed  
this 24<sup>TH</sup> day of September 2015 to:

Marc A. Adair  
Adair Law Group, LLC  
Biltmore Office Plaza  
2942 N. 24th Street, Suite 114  
Phoenix, Arizona 85016-7849  
marc\_adair2000@yahoo.com  
Respondent

Copy of the foregoing emailed  
this 24<sup>TH</sup> day of September, 2015, to:

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

Copy of the foregoing hand-delivered  
this 24<sup>th</sup> day of September, 2015, to:

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

by: Jalisco Stone  
CDH/ts

# **EXHIBIT A**

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

---

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

**Marc A. Adair,**  
**Bar No. 014938,**  
  
Respondent.

**PDJ 2015-9047**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 14-1757, 14-3106]

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, **Marc A. Adair**, is hereby suspended for sixty days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order or \_\_\_\_\_.

**IT IS FURTHER ORDERED** that, prior to reinstatement, Respondent shall obtain a Member Assistance Program (MAP) assessment and follow any recommendations.

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

**IT IS FURTHER ORDERED** that Respondent shall participate in the State Bar's Law Office Management Assistance Program (LOMAP). Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258 within 10 days from

the date of service of this Order/Agreement and shall submit to a LOMAP assessment of his office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. The probation period will begin at the time this Order is served on Respondent and will conclude two years from that date. Respondent will be responsible for any costs associated with LOMAP.

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

#### **NON-COMPLIANCE LANGUAGE**

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with 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 \$ 1,200.00, 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 September, 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 September, 2015.

Copy of the foregoing mailed/emailed this \_\_\_\_\_ day of September, 2015.

Marc A. Adair  
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Email: marc\_adair2000@yahoo.com  
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Craig D. Henley  
Senior Bar Counsel - Litigation  
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by: \_\_\_\_\_