

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

JASON M. GOLDSTEIN,
Bar No. 019795

Respondent.

PDJ 2016-9040

FINAL JUDGMENT AND ORDER

[State Bar Case Nos. 14-2407, 15-0039,
15-1256, 15-1261, and 15-1316]

FILED SEPTEMBER 1, 2016

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on August 25, 2016, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement. Accordingly:

IT IS ORDERED Respondent, **Jason M Goldstein**, is suspended for six (6) months and one (1) day for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from this order.

RESTITUTION

IT IS FURTHER ORDERED Mr. Goldstein shall pay restitution as follows:

Count Three: \$1,200.00 to Julian Boss.

Count Four: \$3,500.00 to Stacy Pearson.

IT IS FURTHER ORDERED Mr. Goldstein shall participate in the State Bar's Fee Arbitration Program regarding Count Two under the following terms and conditions:

FEE ARBITRATION

Mr. Goldstein shall immediately participate in the SBA's Fee Arbitration Program during the period of suspension. Within thirty (30) days of the final judgement and order, Mr. Goldstein shall file a Petition for Fee Arbitration regarding SBA File No. 15-0039 (Count Two) and actively participate in Fee Arbitration. Mr. Goldstein agrees that Ms. Colleen Cullinan was a point of contact during the representation, while the client was incarcerated, and that she has standing to participate in the Fee Arbitration with/or on behalf of the client. If the client in SBA File No. 15-1256 (Count Three) seeks a refund in excess of the Restitution to be paid to him under this Agreement, Mr. Goldstein shall immediately file a Petition for Fee Arbitration within thirty (30) days of the final judgement and order, and actively participate in Fee Arbitration. Mr. Goldstein shall timely pay any award entered against him as a result of his participation in the Fee Arbitration Program.

IT IS FURTHER ORDERED upon reinstatement, Mr. Goldstein shall be placed on probation for two (2) years and shall participate in the State Bar's Law Office Management Assistance Program (LOMAP) and Lawyer Regulation Office's (LRO) Member Assistance Program (MAP).

IT IS FURTHER ORDERED Mr. Goldstein shall be subject to any additional terms imposed by the Presiding Disciplinary Judge because of reinstatement hearings held.

NON-COMPLIANCE LANGUAGE

If 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 a 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. Goldstein shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED Mr. Goldstein shall pay the costs and expenses of the State Bar of Arizona for \$1,220.57, in six (6) equal payments with the first payment due thirty (30) days from this order. Interest shall accrue at the legal rate until paid. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

DATED this 1st day of September, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 1st day of September, 2016, to:

Jason M Goldstein
The Law Office of Jason M Goldstein PLC
1327 E. Northern Ave., Suite 216
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Respondent

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Fee Arbitration Coordinator
State Bar of Arizona
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by: [AMcQueen](#)

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

JASON M. GOLDSTEIN,
Bar No. 019795

Respondent.

PDJ-2016-9040

**DECISION AND ORDER ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 14-2407, 15-0039,
15-1256, 15-1261, and 15-1316]

FILED SEPTEMBER 1, 2016

Probable Cause Orders issued on November 19, 2015 and March 25, 2016. The formal complaint was filed on April 26, 2016. An Agreement for Discipline by Consent (Agreement) was filed on August 25, 2016 and submitted under Rule 57(a)(3) Ariz. R. Sup. Ct.¹ Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject, or recommend the agreement be modified." Rule 57(a)(3)(b).

Rule 57 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 August 1, 2016 informing each of the opportunity to file a written objection within five (5) days. No objection has been received.

¹ Unless otherwise stated, all rule references are to the Rules of the Supreme Court of Arizona.

The Agreement details a factual basis to support the admissions to the charges and is briefly summarized. In multiple counts, Mr. Goldstein took retainers from clients and then failed to perform the contracted legal services. He failed to adequately communicate and diligently represent clients and engaged in an intimate relationship with one client. He failed to provide clients with their files after being terminated and failed to provide refunds for unearned fees and an accounting of the fees incurred. Mr. Goldstein failed to appear for scheduled court appearances and to respond to the State Bar's investigations.

Mr. Goldstein conditionally admits he violated Rule 42, ERs 1.2, (scope of representation), 1.3 (diligence), 1.4(a)(3) and (4) (communication), 1.5(a) (fees), 1.7(a)(2) (conflict of interest), 1.15(a) and (c) (safekeeping client property), 1.16(a)(1) and (d) (terminating representation), 8.1(a) (knowingly making a false statement of material fact), 8.4(c) (conduct involving dishonesty, deceit, fraud or misrepresentation), 8.4(d) (conduct prejudicial to the administration of justice) and Rule 54(d)(2) (failure to furnish information).

The parties stipulate to a sanction of a six (6) month and one (1) day suspension, restitution, fee arbitration, and upon reinstatement, two (2) years of probation with the State Bar's Law Office Management Assistance Program (LOMAP and MAP), and costs of these proceedings.

Mr. Goldstein knowingly violated his duty to clients, the profession, the legal system and the public. The parties agree that *Standard* 4.42 applies to Mr. Goldstein's violations of ERs 1.2(a), 1.3 and 1.4 and provides:

Suspension is generally appropriate when:
(a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or

(b)a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

Standard 7.2 applies to Mr. Goldstein's violations of ERs 1.5(a), 1.16(a)(1) and (d), and 8.1(a) and provides:

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

The parties further agree that the following aggravating factors are present in the record: 9.22(a) (prior disciplinary offenses), 9.22(c) (pattern of misconduct), 9.22(d), (multiple offenses), 9.22(e) (bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency) and 9.22(i) (substantial experience in the practice of law). Agreed upon mitigating factors include 9.32(c) (personal or emotional problems), to which medical records were provided, and 9.32(l) (remorse) are present.

The PDJ finds that the proposed sanctions of suspension, probation, restitution, fee arbitration, and costs meet the objectives of attorney discipline. The agreement and any attachments are accepted and incorporated herein by this reference.

IT IS ORDERED Respondent, **Jason M. Goldstein, Bar No. 019795**, is suspended for six (6) months and one (1) day for conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from this order.

IT IS FURTHER ORDERED upon reinstatement, Mr. Goldstein shall be placed on probation for two (2) years and shall participate in the State Bar's Law Office Management Assistance Program (LOMAP) and Lawyer Regulation Office's (LRO) Member Assistance Program (MAP).

IT IS FURTHER ORDERED Mr. Goldstein shall pay \$1,200 in restitution to Julian Boss in Count Three, and \$3,500.00 to Stacy Pearson in Count Four.

IT IS FURTHER ORDERED Mr. Goldstein shall participate in fee arbitration immediately with Ms. Colleen Cullinan (Count Two) during the period of suspension. Mr. Goldstein shall also participate in fee arbitration in Count Three if the client seeks funds over the restitution amount.

IT IS FURTHER ORDERED Mr. Goldstein shall pay the costs and expenses of the State Bar of Arizona totaling \$1,220.57 in six (6) equal payments with the first payment due 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 1st day of September 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 1st day of September, 2016, to:

Jason M. Goldstein
The Law Office of Jason M. Goldstein PLC
1327 E Northern Ave Ste 216
Phoenix, AZ 85020-4286
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Respondent

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

AUG 25 2016

FILED
BY 

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Respondent

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

JASON M. GOLDSTEIN,
Bar No. 019795,

Respondent.

PDJ 2016-9040

State Bar Case Nos. **14-2407,**
15-0039, 15-1256, 15-1261,
and 15-1316

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona (SBA), through undersigned Bar Counsel, and Respondent, Jason M. Goldstein, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered in SBA Case No. 14-2407 on November 19, 2015 and in SBA Case Nos. 15-0039, 15-1256, 15-1261, and 15-1316 on March 25, 2016. The SBA filed a formal complaint on April 26, 2016. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been

made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainants by letter on August 1, 2016. Complainants have been 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.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.2, 1.3, 1.4(a)(3) and (4), 1.5(a), 1.7(a)(2), 1.15(c), 1.16(a)(1) and (d), 8.1(a), 8.4(c), 8.4(d) and Rule 54(d)(2).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Long-Term Suspension of six (6) months and one (1) day, Restitution, Fee Arbitration, and Probation (the terms of which shall include LOMAP and LRO MAP), all as detailed below. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.¹ Respondent requests that he be permitted to pay the costs and expenses in six (6) equal payments, the first payment to be made within thirty (30) days of the date that the Court approves this Agreement. The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on December 16, 1999.

COUNT ONE (File No. 14-2407/Marshall)

2. On February 27, 2014, a direct complaint was filed against Nicole Garcia charging her with one count of possession or use of dangerous drugs, a class 4 felony; and one count of possession or use of drug paraphernalia, a class 6 felony in Maricopa County Superior Court Case No. CR2013-433509.

3. On March 26, 2014, Respondent entered his appearance on behalf of Garcia, who was a client of Acacia Law Group, for whom Respondent worked at the time.

4. On May 22, 2014, Respondent's firm, the Acacia Law Group, filed a motion to withdraw on the ground that Garcia could no longer continue to make payments as agreed for the representation. On June 2, 2014, the Court granted the motion and ordered the Office of Public Defense Services to appoint new counsel.

5. On July 17, 2014, the Court conducted a comprehensive pretrial conference. At that time, Respondent submitted to the Court a stipulation for substitution of counsel, substituting himself back in as counsel for Garcia, which the Court granted.

6. After the matter was set for trial on September 25, 2014, the Maricopa County Attorney's Office received an anonymous email alleging that Respondent was involved in an intimate relationship with his client, Garcia.

7. On September 15, 2014, Respondent and the prosecuting attorneys appeared before the Court for a final trial management conference. A sealed bench conference was held during the proceedings, during which the Court addressed the alleged conflict disclosed in the email. The Court directed the State to file a Motion to Determine Counsel and continued the trial to October 15, 2014. The State did as the Court directed.

8. On October 9, 2014, the parties appeared for a hearing on the State's Motion to Determine Counsel, at which time Respondent submitted a Motion to Withdraw. When the Court asked for the basis for the motion, Respondent stated that while largely inaccurate, he believed that the email had created a conflict of interest. The Court asked if Respondent had "ethical concerns that require your withdrawal," to which Respondent answered affirmatively. The Court asked Respondent: "Is there any form of relationship that exists between you and your client that you believe requires an appropriate ethical withdrawal in this matter?" When Respondent asserted that Garcia had become his friend, the Court asked Respondent if he believed "in any form that as a result of that friendship you may have lost or potentially lose some objectivity as a lawyer in this matter? Potentially?" Respondent responded affirmatively and the Court accepted his withdrawal without making any other findings.

COUNT TWO (File no. 15-0039/Kane)

9. In April 2014, Adam Kane retained Respondent and agreed to pay him a flat fee of \$10,000 for representation in two cases pending in the Maricopa County Superior Court: a weapons case (CR2014-115818-001) and a Fugitive from Justice

case (CR2014-003140-001).² Kane's fiancée, Colleen Cullinan, was a point of contact during the representation and communicated with Respondent about the representation with Kane's approval.

10. On April 11, 2014, Respondent appeared at the Fugitive from Justice thirty (30) day hearing.

11. On May 16, 2014, Respondent appeared at a status conference in the Fugitive from Justice case after the Court had concluded the hearing and continued the matter on the State's motion because Kane was alleged to be in federal custody. If this matter went to hearing, Respondent would testify that the Court had a short calendar and had "just handled" the matter; asked Respondent if he had anything to add to the record; and then advised Respondent of the next hearing date.

12. On May 23, 2014, the Court dismissed the Fugitive from Justice case because the demanding state refused to extradite.

13. On May 27, 2014, the Court ordered the release of the \$10,000 case bond in the Fugitive of Justice case, from which Respondent was paid \$9,100.

14. If this matter were to go to hearing, Cullinan would testify that she and Kane had difficulty reaching Respondent to advise Respondent that his services were no longer needed on the Fugitive from Justice case after he was taken into federal custody. She would further testify that when they reached Respondent, he promised to give Kane a \$3,000 refund. Respondent would testify that he did not promise to give Kane a refund.

² On April 11, 2014, Respondent entered his appearance on behalf of Respondent in CR2014-003185-005, which was dismissed the same day as a duplicate of the above-referenced Fugitive from Justice case, which continued.

15. Respondent never refunded to Kane or Ms. Cullinan any portion of the fee relating to the fugitive of justice case.

16. By letter dated February 18, 2015, Bar Counsel sent Respondent a screening letter and asked him to respond to the allegations set forth in the bar charge.

17. By letter dated March 4, 2015, Kane made supplemental allegations against Respondent. Bar Counsel provided Respondent with a copy of the letter.

18. On April 1, 2015, Kane terminated the representation.

19. By letter dated May 18, 2015, Respondent responded to the screening letter. Respondent confirmed that he had been retained to represent Kane in the two cases; that "a formal typewritten Fee Agreement" was executed; and that he was paid \$10,000 for the representation. He denied being retained to appear at any bond hearings or federal court probation matters. Respondent claimed that after Kane was arrested on federal probation violation charges, he chose to give Kane limited "pro bono" assistance regarding the bond revocation and that Kane refused to allow him to communicate with the federal appointed public defender.

20. By letter dated May 21, 2015, Respondent stated that Kane agreed to pay a flat fee and that the Fee Agreement contained "a standard refund clause." This time, Respondent stated that he received only \$9,100 of the \$10,000 bond as a fee when it was exonerated.

21. Respondent did not provide Kane with a copy of his file, a final accounting of services rendered or a refund of any unearned fees after Kane Terminated the representation, despite requests that he do so. Respondent was unable to produce a

copy of any fee agreement or confirmatory writing setting forth the scope of the representation and the fees to be paid by the client.

22. Respondent failed to appear at three hearings during the representation. On October 30, 2014, the Court continued the hearing on its own motion after Respondent advised that he was unaware of the hearing. On November 10, 2014, Respondent did not appear at the "not guilty arraignment," at which time the Court appointed the Public Defender's Office to represent Kane in future proceedings. At that time, the Court ordered Respondent to appear at the next hearing, which he did. If this matter were to go to hearing, Respondent would testify that he did not receive notice of the November 10, 2014 hearing. Finally, on January 2, 2015, Respondent failed to appear at the Initial Pretrial Conference. The Court reset the hearing and ordered Respondent to appear on January 9, 2015, however the hearing was later vacated.

COUNT THREE (File no. 15-1256/Boss)

23. On December 6, 2013, Julian Boss retained Respondent to determine why he had been the target of a homicide investigation. He signed a Fee Agreement (the Fee Agreement) and paid Respondent a \$5,500 flat fee that was deemed earned upon receipt. Respondent hand wrote into the Fee Agreement that "[a] portion of [that] fee will be held in trust for IA [initial appearance] court representation, if occurs."

24. By text message dated January 25, 2015, Respondent advised Boss that his retainer had "essentially been exhausted," and encouraged Boss to "retain [him] further for the purpose of filing a motion to dismiss with prejudice and for the return of your items." Boss asked what the money had been "exhausted" on.

25. By email dated March 29, 2015, Boss reminded Respondent he had asked for evidence of any work performed on his behalf and advised Respondent that he had confirmed with the City Attorney's Office that Respondent had never advised them that he was representing Boss. Boss also reminded Respondent that he had asked for a refund and that the balance of the fee was to be held in trust in case Boss was charged with a crime. Boss terminated the representation and again asked for his file, a final accounting of all charges, and a refund. If this matter were to go to hearing, Respondent would testify that he had no obligation to contact the City Attorney's Office because Boss never had a case pending with that Office.

26. On March 26, 2015, the client's mother (Mother) texted Respondent and asked for a return call, noting that the mailbox on his cell phone was full. Mother also asked for the client file and a refund.

27. By email dated March 30, 2015, Respondent advised Boss that he would work on getting the client file to him.

28. On April 1, 2015, Mother texted Respondent again and asked for a refund because no legal work of any value had been provided to her son. Respondent replied and asked for Mother's email address so that he could respond to the text. Mother provided Respondent with her email address.

29. On April 4, 2015, Mother texted Respondent again, noting that he had not emailed her and she had not received a refund. Mother asked for a reply.

30. By emails exchanged on April 7, 2015, Respondent advised Boss and Mother that he would put together the client file and draft an accounting of the fees incurred in the representation. Respondent denied that he had failed to perform work of any value and he promised to return any unearned fees.

31. On April 13 and 14, 2015, Mother tried to reach Respondent. He responded to her on April 14th and stated that he was "preparing" the client file, which he had to get out of storage. Respondent again promised to include a final accounting with the file, which he promised to mail to them by the end of the week. He never did so.

32. By email dated April 24, 2015, Mother complained to Respondent that she and Boss still had not received anything from him. Respondent replied that he was still trying to retrieve the client file from storage.

33. Respondent did not provide Boss with a copy of his file, a final accounting of the time spent on the representation or a refund of any unearned fees, despite requests that he do so.

34. By letter dated May 21, 2015, Bar Counsel sent Respondent a screening letter asking that he respond to the allegations set forth in the bar charge and produce a copy of the client file and records relating to Respondent's trust account, if any. When Respondent failed to respond, Bar Counsel sent Respondent a 10-day reminder letter dated July 6, 2015.

35. By letter dated July 20, 2015, Respondent responded to the screening letter, but he failed to produce the requested documents.

36. Respondent told Boss that he would hold back \$1,200 of the total fee to ensure that there were funds still available in the event that he was arrested. Respondent did not do so and Boss was never formally arrested during the representation for the charge of homicide.

37. Respondent's "inquiries" that he allegedly made to various law enforcement agencies and by which he tried to determine if Boss would be charged with homicide, were "fruitless."

38. By letter dated July 22, 2015, Bar Counsel again asked for documents relating to the representation. Respondent did not produce the requested documents.

COUNT FOUR (File no. 15-1261/Pearson)

39. In or about June 2014, Jerry Pearson Sr. (the Client) retained Respondent to represent him in a DUI case pending in the Mesa Municipal Court, Case No. 2014-015548. The Client paid Respondent \$3,500 for the representation.

40. By text dated June 10, 2014, Stacy Pearson introduced herself to Respondent as the person who paid the \$3,500 for him to represent her father-in-law and advised Respondent that the Client's family had been trying unsuccessfully to reach him. Pearson reminded Respondent to send a fee agreement and to call the Client.

41. By text dated August 5, 2014, Pearson told Respondent that she had heard that there was a hearing on August 4th and "[w]e are wondering how it went." Pearson re-sent the text message the next day after Respondent failed to respond.

42. When Respondent responded to Pearson's text, he claimed that the first court appearance for a DUI is "done via the mail," that he had sent in a "Notice of Appearance," and that the Court would send the parties notice of the next court date. The certified Court record does not reflect that Respondent mailed in or personally filed a notice of appearance on behalf of the Client at that time.

43. By text on August 15, 2014, Pearson advised Respondent that the Client had received a letter advising him that the Court had issued a warrant for his failure

to appear at a hearing. The text continued: "I thought you were representing him in court . . . can you please tell me what is going on."

44. Respondent replied later that day, stating that the warrant was an "error" and that he would contact the Court immediately. Respondent blamed the issuance of the warrant on a clerical error by court staff.

45. On August 19, 2014, Respondent texted Pearson and advised that he had "contacted the court and they are fixing the issue, it will be [c]orrected in the court system by Thursday. The certified Court record does not support Respondent's statement to Pearson.

46. On March 15, 2015, Respondent texted Pearson and asked when she, her husband, Jerry Pearson, Jr., and the Client would be returning to Arizona so that they could "go to court." Respondent advised that he would try to have a hearing set in the case during the week of March 23, 2015.

47. On March 25, 2015, Respondent, the Client and Mr. Pearson went to Court as a "walkin" at which time the Court quashed the warrant and re-set the case for a pre-trial conference on May 11, 2015. The certified court record reflects that on this date, Respondent filed his notice of appearance on behalf of the Client.

48. On May 11, 2015, the Client and Mr. Pearson appeared at Court for the pre-trial conference, but Respondent failed to appear. The Court granted the Client's Motion to Continue due to lack of communication from Respondent since the last court appearance.

49. By letter dated June 18, 2015, Bar Counsel sent Respondent a screening letter and asked that he respond to the allegations set forth in the bar charge. Bar

Counsel also asked Respondent to produce a copy of the client file, including copies of the fee agreement and receipts for all fees paid for the representation.

50. By letter dated July 28, 2015, Respondent responded to the screening letter, but referenced an unrelated case.

51. By letter dated July 30, 2015, Bar Counsel sent Respondent a letter again asking Respondent to respond to the allegations set forth in the bar charge and to produce a copy of the Client's file.

52. By email dated August 19, 2015, Respondent finally responded to the bar charge, claiming that he appeared at the initial hearing without the Client, at which time the Court advised him that it would send both Respondent and the Client notice of the next hearing date. This statement is contradicted by Respondent's text message to Pearson in which he claimed that the initial hearing was handled "via the mail." The certified Court record directly contradicts Respondent's representation to the SBA.

53. In response to the screening letter, Respondent also told the SBA that about 90 days after the initial hearing, he realized that he had not received notice of the new hearing date and contacted the Court, at which time he learned that a new hearing date had been set and that the Court had issued a warrant due to the Client's failure to appear at the hearing. This statement is contradicted by the text message exchange wherein Pearson informed Respondent that a warrant had been issued for the Client's arrest. The certified Court record directly contradicts Respondent's representation to the SBA. Respondent did not enter his appearance until March 25, 2015, so the Court would not have sent Respondent notice prior to him doing so.

54. After the March 25, 2015 hearing, Respondent emailed the Client a mitigation questionnaire, which the Client completed and emailed back to him. This is the one piece of written correspondence that the Client's family recalls ever receiving from Respondent.

55. Respondent did not provide the Client with a final accounting of the time spent on the representation or a refund of any unearned fees, despite requests that he do so. Respondent failed to produce the Client's file as requested by the SBA. Nor did he produce a copy of a fee agreement or a confirmatory writing setting forth the scope of the representation and the fees to be paid by the Client.

56. Respondent did not realize that he had failed to appear at the Client's May 11, 2015 pretrial conference until June 16, 2015, when he looked at the Client's file after Attorney Robert Arentz contacted Respondent and advised that he had been retained to take over the Client's case.

COUNT FIVE (File no. 15-1316/Judicial Referral)

57. Respondent represented Dennis Jones (the Defendant) in a criminal case in the Maricopa County Superior Court, Case No. CR 2013-003592-002.

58. On May 1, 2015, Respondent was to be sentenced at a hearing scheduled for 2:30 pm.

59. On May 1, 2015, at 11:25 am, Respondent emailed the Court and opposing counsel that he needed a continuance of the sentencing hearing because he was not prepared to go forward.

60. At 2:42 pm, Respondent again emailed the Court, stating that he was running late because he was having difficulty getting a cab. When the judicial

assistant asked when Respondent expected to arrive, he asked if the hearing could be reset by email because he was still waiting for a cab.

61. Respondent sent another email to the Court, stating that he "had not received the mitigation report that [he had] been waiting for in enough time to disclose it to opposing counsel," and that he needed to explore issues raised during his last meeting with the Defendant.

62. The Court started the sentencing hearing at 2:50 pm. A discussion was held regarding Respondent's request to continue the hearing, "as the mitigation report is not completed." Over the State's objection, the Court vacated the hearing and re-set sentencing for July 17, 2015 at 1:30, "with or without the mitigation report."

63. The Court also set an Order to Show Cause hearing for May 18, 2015 at 8:45 am and ordered Respondent to appear and show cause why he should not be found in contempt of court for his failure to be prepared and to appear for the sentencing hearing.

64. Respondent received the Court's minute entry wherein it scheduled the Order to Show Cause hearing, on his smart phone.

65. Respondent did not appear at the May 18, 2015 Order to Show Cause hearing.

66. By minute entry filed May 21, 2015, the Court sanctioned Respondent \$200 for his failure to appear at the Order to Show Cause hearing. The Court removed Respondent as counsel of record for Defendant; ordered the Office of Public Defense Services to assign defense counsel and to appoint a mitigation specialist to assist the Defendant and his new attorney; and referred this matter to the SBA.

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically:

Count One: ERs 1.7(a)(2), 1.16(a)(1), and 8.4(d).

Count Two: ERs 1.2, 1.3, 1.4(a)(3) and (4), 1.5(a), 1.16(d), 8.4(d), and Rule 54(d)(2).

Count Three: ERs 1.3, 1.4(a)(3) and (4), 1.5(a), 1.15(c), 1.16(d), and Rule 54(d)(2).

Count Four: ERs 1.3, 1.4(a)(3) and (4), 1.5(a), 1.16(d), 8.1(a), 8.4(c), 8.4(d), and Rule 54(d)(2).

Count Five: ERs 1.3 and 8.4(d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss ER 8.4(c) in Count One and ER 8.1(a) in Count Three because of evidentiary issues. And, the SBA believes that the conduct is sufficiently addressed in response to violations of those ERs in Count Four. The State Bar has also agreed to dismiss Rule 54(c) in Count Five as part of this Agreement because Respondent has provided it with proof that he has paid the sanction imposed by the trial court.

RESTITUTION

Restitution is not an issue in Counts One and Five because it was not supported by the facts. And, Respondent has agreed to participate in the SBA's Fee

Arbitration Program with respect to Count Two. Respondent shall pay restitution as follows:

- 1) Count Three: \$1,200 to Julian Boss.
- 2) Count Four: \$3,500 to Stacy Pearson.

FEE ARBITRATION

Respondent shall participate in the SBA's Fee Arbitration Program during the period of suspension. Within thirty (30) days of the date that the Court approves this Agreement, Respondent shall file a Petition for Fee Arbitration with respect to SBA File No. 15-0039 (Count Two). Respondent agrees that Ms. Colleen Cullinan was a point of contact during the representation, while the client was incarcerated, and that she has standing to participate in the Fee Arbitration with/or on behalf of the client. If the client in SBA File No. 15-1256 (Count Three) seeks a refund in excess of the Restitution to be paid to him under the terms of this Agreement, Respondent shall participate in Fee Arbitration. Respondent shall timely pay any award entered against him as a result of his participation in the Fee Arbitration Program.

SANCTION

Respondent and the SBA agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Suspension for six (6) months and one (1) day. Upon reinstatement, Respondent shall be placed on probation for two (2) years during which time he shall participate in LOMAP and LRO MAP. Respondent shall pay Restitution and participate in the SBA's Fee Arbitration Program, all as set forth 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 parties agree that the following *Standards* are appropriate given the facts and circumstances of this matter.

Respondent violated his duty to his client by violating ERs 1.2(a), 1.3, and 1.4, which implicates *Standard* 4.0. *Standard* 4.42 states: "Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client. . . ." The Commentary to *Standard* 4.42 explains: "Suspension should be imposed when a lawyer knows that he is not performing the services requested by the client, but does nothing to remedy the situation. . . ."

Respondent violated his duty as a professional, by violating ERs 1.5(a), 1.16(a)(1) and (d), and 8.1(a), which implicates *Standard 7.0*. *Standard 7.2* states: "Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system."

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent's conduct as detailed in this Agreement was knowing and that it violated the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual and potential harm to his clients and actual harm to the profession, the legal system and the public.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22(a): Prior disciplinary offenses. SBA Case No. 10-1227 (2011).

ERs 1.3, 3.2 and 8.4(d). Admonition with Probation (LOMAP and CLE).

Standard 9.22(c): A pattern of misconduct.

Standard 9.22(d): Multiple offenses.

Standard 9.22(e): Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency.

Standard 9.22(i): Substantial experience in the practice of law.

In mitigation:

Standard 9.32(c) personal problems. Attached hereto as Exhibit "B" are "Medical Notes" evidencing Respondent's health issues, which are being submitted in support of this mitigation *Standard*.

Standard 9.32(l) remorse.

Discussion

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

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: Taken as a whole, the aggravating factors outweigh the mitigating factors and do not support a deviation from the presumptive sanction. Instead, they support imposition of a long-term suspension of six (6) months and one (1) day.

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

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Suspension for six (6) months and one (1) day; Probation for 2 years upon reinstatement; Restitution; and Fee Arbitration, all as discussed herein, along with the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit C.

DATED this 25th day of August 2016

STATE BAR OF ARIZONA

Stacy L. Shuman

Stacy L. Shuman
Staff Bar Counsel

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

DATED this 25th day of August, 2016.


Jason M Goldstein
Respondent

DATED this 25th day of August, 2016.

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 25th day of August, 2016.

Copy of the foregoing emailed
this 25th day of August, 2016, to:

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

Copy of the foregoing mailed/mailed
this 25th day of August, 2016, to:

Jason M Goldstein
The Law Office of Jason M Goldstein PLC
1327 E Northern Ave Ste 216
Phoenix, AZ 85020-4286
Email: goldsteincriminaldefense@gmail.com
Respondent

Copy of the foregoing hand-delivered
this 25th day of August, 2016, to:

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

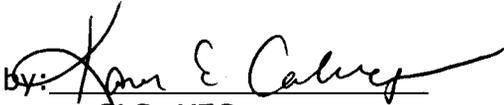
by: 
SLS: KEC

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
JASON M. GOLDSTEIN Bar No. 019795, Respondent

File No(s). 14-2407, 15-0039, 15-1256, 15-1261, 15-1316

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

06/16/15	Investigator Mileage to Estralla Jail to Interview Witness	\$	5.92
12/22/10	MSCO Records Request	\$	5.00
12/22/10	Investigator Mileage and Parking at Law Library	\$	9.65

Total for staff investigator charges \$ 20.57

TOTAL COSTS AND EXPENSES INCURRED **\$1,220.57**

EXHIBIT B

PHOENIX NEUROLOGICAL ASSOCIATES

BARRY A. HENSON, M.D.

HARRY S. TAMM, M.D.

ROSS D. LEVINE, M.D.

LORI H. TRAVIS, M.D.

NOLLY HENSON, Ph.D., M.D.

JAN BLAND, FNP, BC

CHARRIS V. SIMPSON, FNP-C

DAVID S. SAPERSTEIN, M.D.3080 N. 40TH ST. #280
PHOENIX, ARIZONA 85018(602) 258-3354
FAX: (602) 258-3368

Patient Name: Jason Goldstein
Patient Age: 44, DOB: 03/28/1971
Visit Date: 10/15/2015
Attending Provider: David S. Saperstein MD
Referring Provider: Phuc Pham MD

Patient Visit Note**Assessment**

- Ophthalmoplegia
- Sequelae of Guillain-Barre syndrome
- Organic sleep-related bruxism

It sounds like he is improved but he is left with significant extraocular muscle weakness. There is also fatigue, which is common after GBS. I explained to the patient that it is going to take time for him to recover. The chance of him doing well is good but, unfortunately, not everyone recovers fully. Only time will tell.

Plan**• OTHER**

Clonazepam 0.5 MG TABS, 1 every bedtime, 30 days, 3 refills

- Transition in care, clinical summary provided

1. I gave him guidelines about avoiding over exertion.
2. Clonazepam to help with sleep and to decrease bruxism.
3. Referral to a dentist who specializes in bruxism and TMJ. I believe the patient would benefit from a nightguard at the dentist can fashion.
4. Return in 2 months or sooner as needed.

Referred Here

Referred by.

Chief Complaint

The Chief Complaint is: Gullian Barre.

History of Present Illness

This is a 44-year-old man here for evaluation of sequelae of Guillain Barré syndrome (GBS). On September 3 he developed a "sinus infection" consisting of fever and pressure. A week later he awoke with horizontal diplopia. Over this time he also developed lower extremity weakness and difficulty walking. He went to the emergency room September 14. He was hospitalized. Workup included imaging and spinal tap. He was diagnosed with GBS and treated with 5 days of IVIG. The patient developed right facial weakness and difficulty chewing. There was no dysphagia. At one point he could not walk without assistance. For about a week he had numbness and tingling in his palms. He is much better now. His

Patient Name: Jason Goldstein

Date: 10/15/2015

balance is not normal but his strength is better. Fatigue continues to be a problem. The patient is in physical therapy for balance. His double vision is not better. He uses an eye patch. Using his eyes makes him dizzy and tired. He is difficulty falling asleep and staying asleep. He is difficulty with his memory. An appointment with a neuro-ophthalmologist at Barrow Neurological Institute is pending. He clenches his jaw at night and this causes pain in the area of his job, temporalis and the back of his head. Prior to the GBS he had mild problems with clenching. Otherwise there is no pain.

Current Medication

Medication list reviewed.

Patient takes medication for BP
tramadol and oxycodone for HA

Allergies

- No Known Allergies

Past Medical/Surgical History

Other:

Depression

Reported:

Tests: Blood pressure was high.

Diagnoses:

Asthma.

GERD

Peptic ulcer

Irritable bowel syndrome

Colon polyps.

Hay fever

Social History

Children 2 children.

Living independently alone.

Personal: Under stress.

Behavioral: Caffeine use 1/day and tobacco use. Smoking status: Never smoker.

Alcohol: Alcohol use: 2 drinks or less per day occasional.

Drug Use: Not using drugs.

Education: Educational level professional degree.

Work: Occupation attorney.

Family History

Paternal:

Death of a family member

Brain tumor

Cancer

Paternal grandfather's:

Death of a family member

Heart disease

Cancer

Paternal grandmother's:

Death of a family member

Maternal grandfather's:

Death of a family member

Patient Name: Jason Goldstein
Maternal grandmother's:
Death of a family member
Dementia

Date: 10/15/2015

Review Of Systems

Encounter Background Information: Visit for: ears, nose, and throat exam.

Systemic: Feeling tired (fatigue) and lethargy.

Eyes: Worsening vision, diplopia, and photophobia.

Otolaryngeal: Excessive drooling.

Gastrointestinal: Difficulty chewing.

Neurological: Dizziness, decreased concentrating ability, memory lapses or loss, speech difficulties, arm weakness, leg weakness, ataxia, ataxia, poor coordination, and numbness of the face.

Psychological: Sleep disturbances and a change in personality.

Physical Findings

• **Vitals taken 10/15/2015 02:45 pm**

BP-Sitting	118/83 mmHg
Pulse Rate-Sitting	112 bpm
Height	67 in
Weight	210 lbs
Body Mass Index	32.9 kg/m²
Body Surface Area	2.06 m²

General Appearance:

- **General appearance:** This is a well-developed individual in no acute distress. There are no abnormalities of development or body habitus. Nutrition appears good. There is mild tenderness to palpation over the TM joints bilaterally and over the temporalis and occipitalis muscles.

Cardiovascular:

- **System:** Heart is regular rate and rhythm without murmurs, rubs, or gallops. There are no carotid bruits.

Neurological:

- **System:**

Mental Status: The patient is alert and oriented and able to give a coherent history. Fund of knowledge is appropriate. Speech, language, comprehension and concentration are normal. Affect is appropriate.

Cranial Nerve: There is no ptosis. Pupils are round and equal. They are poorly reactive to light. Visual fields are full to confrontation. Optic discs are sharp. Extraocular movements are severely limited in all directions, worse on the right. Facial sensation is intact. There is moderately severe bilateral facial weakness.. Hearing is intact to voice and finger-rub. The tongue and palate are midline. Shoulder shrug is normal.

Motor: There is normal muscle tone and bulk. Strength is 5/5 throughout. There is no pronator drift. Muscle strength, individual muscles of all four limbs.

Sensory: Light touch, pinprick, joint position sense and vibration are intact. Romberg sign is absent.

Reflexes: Reflexes are absent throughout.. Plantar responses are flexor bilaterally.

Complex Motor: Finger-to-nose and rapid alternating movements are normal. There is

Patient Name: Jason Goldstein
not tremor or dysmetria.

Date: 10/15/2015

Gait: Casual gait has a widened base. He can heel and toe walk. He cannot tandem walk.

Treatment / Test Conclusions

- Not tested for HIV.

Vaccinations

- Did not receive dose of influenza virus vaccine

Counseling/Education

- Education and counseling

Active Problems

- **Guillain-barre Syndrome Sequelae**
- **Ophthalmoplegia**
- **Organic Sleep-related Bruxism**

Health Reminders

- **Assess BMI satisfied 10/15/2015.**
- **Assess Tobacco Use satisfied 10/15/2015.**

David S. Saperstein MD

Electronically signed by: David Saperstein MD Date: 10/16/2015 14:53

Kim Vu PA-C
 North Phoenix Internal Medicine
 1747 E. Morten Ave Phoenix, AZ 85020 Suite
 303
 Phone: 602-589-0370 Fax: 602-589-0650

JASON GOLDSTEIN

Patient ID: 54353797 DOB:03/28/1971 Sex: M Account No.:

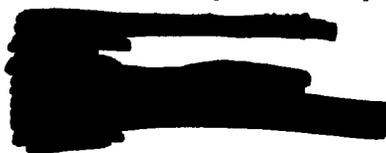
Encounter ID: 130726044 Encounter Date: 10/02/2015

Encounter Type: Office Visit

Problem List: 04/22/2016 L739 Follicular disorder, unspecified
 03/07/2016 J069 Acute upper respiratory infection, unspecified
 03/07/2016 J301 Allergic rhinitis due to pollen
 10/05/2015 H4921 Sixth [abducent] nerve palsy, right eye
 10/02/2015 I10 Essential (primary) hypertension

SUBJECTIVE:**Chief Complaint:** new pt- HOPSTIAL F/UP

History Of Present Illness: This is a new patient who is here to establish care. He has not seen a PCP in years. Patient was admitted to JCL North Mountain 9/16/15 for diplopia and facial droop. CT of brain was negative. CT of sinuses show acute sinusitis. Patient was diagnosed with CN 6 palsy and Guillan-Barre Syndrome with the Miller Fisher variant. He needs a referral to neurology, ophthalmology, speech therapy, occupational, and physical therapy. He was also diagnosed with HTN and was placed on multiple meds. See med list.

Medical History:

Family History: Mother: fibromyalgia, OA
 Father: non small cell lung cancer with brain mets, non smoker
 Siblings: 2 younger brothers, 1 brother has Dm II hemochromatosis

Social History: Divorced
 2 children
 Alcohol: occasionally

Occupation: Criminal Defense Lawyer Smoking Status: Never Smoked

OBJECTIVE:

Vital Signs: Weight: 218.20 lbs
 Blood Pressure: 120/78 mmHg
 B/P Side: Left
 B/P Position: Sitting
 Temperature: 97.00 F
 Pulse: 120 beats/min
 Resp.Rate: 16 breaths/min

Objective Notes: o2-98

Physical Examination: Constitutional: Appearance: left facial droop. Eye patch on the right. well dress, well nourished, no acute distress
 Eye: Sclera clear bilaterally. Right eye CN 6 palsy, mild ptosis, no esotropia. No constriction of the right pupil appreciated. Left eye without palpsy, PRRL.
 Respiratory: Inspection: Chest expansion symmetric, no accessory muscle use CTAB, no wheezing, rhonchi, crackles or rales
 Cardiovascular: RRR, normal S1 and S2. No murmurs, rubs or gallops. No edema.

Kim Vu PA-C
North Phoenix Internal Medicine
1747 E. Morten Ave Phoenix, AZ 85020 Suite
303
Phone: 602-589-0370 Fax: 602-589-0650

JASON GOLDSTEIN

Patient ID: 54353797 DOB:03/28/1971 Sex: M Account No.:

Encounter ID: 130726044 Encounter Date: 10/02/2015

Encounter Type: Office Visit

Neurological/Psychiatric: Alert and oriented to person, place, and time. Mood and affect are appropriate for situation.

ASSESSMENT:

Diagnosis: ICD-10 Codes:
1)H4921; Sixth [abducent] nerve palsy, right eye
2)I10; Essential (primary) hypertension

PLAN:

Procedures: 1) 99204; NP EXTENDED VISIT

Care Plans: 1. Guillan-Barre Miller Fisher Variant - refer to neurology, ophthalmology, PT, OT, and speech therapy.
2. HTN - continue meds. Check BP at home and keep log.

Patient was also seen and examined by Dr. Phuc Pham who agrees with the plan of care.

Patient Instructions; 1 month
Inquire about depression/adjustment syndrome duet to recent diagnosis. Also f/u on BP.

[Electronically Signed] - Date: 10/2/2015 2:16:13 PM

[Provider]: PHUC PHAM, MD

EXHIBIT C

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

JASON M. GOLDSTEIN,
Bar No. 019795,

Respondent.

PDJ 2016-9040

FINAL JUDGMENT AND ORDER

State Bar Case Nos. **14-2407,**
15-0039, 15-1256, 15-1261,
and 15-1316

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, **Jason M Goldstein**, is hereby Suspended for six (6) months and one (1) day 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 Respondent shall comply with all other terms set forth in the Agreement for Discipline by Consent, which is incorporated herein by reference.

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

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 \$ _____, as follows:
_____.

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 _____, as follows: _____.

DATED this _____ day of August, 2016

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of August, 2016.

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

Jason M Goldstein
The Law Office of Jason M Goldstein PLC
1327 E Northern Ave Ste 216
Phoenix, AZ 85020-4286
Email: goldsteincriminaldefense@gmail.com
Respondent

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

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

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

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

by: _____