

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**PATRICIA MEJIA,**  
**Bar No. 022236**

Respondent.

**PDJ 2016-9070**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 15-2288]

**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, **Patricia Mejia**, is reprimanded for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents effective the date of this order.

**IT IS FURTHER ORDERED** Ms. Mejia shall be placed on probation for eighteen (18) months. The period of probation shall commence upon entry of this final judgment and order and will conclude eighteen (18) months from that date.

**IT IS FURTHER ORDERED** as a term of probation, Ms. Mejia shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from this final judgment and order. Ms. Mejia shall submit to a LOMAP examination of her office procedures. Ms. Mejia shall sign terms and conditions of probation, including reporting requirements, which shall be incorporated herein. The probation period will commence at the time of entry of the final judgment and order and will conclude

eighteen (18) months from that date. Ms. Mejia shall be responsible for any costs associated with LOMAP.

**IT IS FURTHER ORDERED** that Ms. Mejia shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00 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 1st day of September, 2016.

*William J. O'Neil*

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

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

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by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**PATRICIA MEJIA,  
Bar No. 022236**

Respondent.

**PDJ-2016-9070**

**DECISION AND ORDER  
ACCEPTING DISCIPLINE BY  
CONSENT**

[State Bar No. 15-2288]

**FILED SEPTEMBER 1, 2016**

A Probable Cause Order issued on June 29, 2016 and the formal complaint was filed on July 7, 2016. Thereafter, an Agreement for Discipline by Consent (Agreement) was filed on August 25, 2016 and submitted under Rule 57(a)(3) Ariz. R. Sup. Ct.<sup>1</sup> 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 July 26, 2016 and the opportunity to file a written objection within five (5) days. One objection was received by the Complainant stating that given Ms. Mejia's prior misconduct, the sanction is too lenient for the violations

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

that occurred. A formal reprimand however, is a public sanction for an attorney. The sanction is published in the State Bar's monthly magazine and the discipline is posted on the State Bar and Court websites to inform and protect the public. Ms. Mejia's prior discipline was an admonition and probation comprising continuing legal education for violating ERs 1.3, 1.4, 3.1 and 8.4(d). The agreed upon sanction is increased discipline and the terms of probation (LOMAP) should assist Ms. Mejia in preventing any recurrence of her misconduct.

The Agreement details a factual basis to support the admissions to the charges and is briefly summarized. Ms. Mejia represented a client in an immigration matter and failed to understand Ninth Circuit procedures. She failed to diligently represent the client by failing to accurately calculate the filing deadline for the client's petition for review and then failed to timely file the client's petition for review in the Ninth Circuit. Ms. Mejia also failed to file a response to the DHS' motion to dismiss, resulting in the client's petition being dismissed. She further failed to provide the client in writing the scope of representation or the rate of her fees.

Ms. Mejia conditionally admits she negligently violated Rule 42, ERs 1.1 (competence), 1.2, (scope of representation), 1.3 (diligence), 1.5(b) (fees), and 1.16(d) (terminating representation).

The parties stipulate to a sanction of reprimand, eighteen (18) months of probation with the State Bar's Law Office Management Assistance Program (LOMAP), and costs of these proceedings. Ms. Mejia admits she violated her duty to her client and caused actual harm to her client. The parties agree that *Standard 4.43, Lack of Diligence*, applies to Ms. Mejia's violations of ERs 1.2 and 1.3 and provides:

Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in

representing a client, and causes injury or potential injury to a client.

*Standard 4.53, Lack of Competence*, applies to Ms. Mejia's violation of ER 1.1

and provides:

- Reprimand is generally appropriate when a lawyer:
- (a) demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or
  - (b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client.

The parties further agree aggravating factor 9.22(a) (prior disciplinary offenses) is present and mitigating factors 9.32(b) (absence of selfish or dishonest motive), 9.32(e) (full and free disclosure to disciplinary board or cooperative attitude toward proceedings), and 9.32(l) (remorse) are present. The PDJ finds that the proposed sanctions of reprimand, probation, and costs meet the objectives of attorney discipline and are accepted and incorporated by this reference.

**IT IS ORDERED** Respondent, **Patricia Mejia, Bar No. 022236**, is reprimanded and placed on eighteen (18) months of probation (LOMAP) for conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this order.

**IT IS FURTHER ORDERED** Ms. Mejia shall pay the costs and expenses of the State Bar of Arizona totaling \$1,200.00 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 1st day of September 2016.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/e-mailed  
this 1<sup>st</sup> day of September 2016 to:

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CLERK OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

AUG 25 2016

FILED  
BY 

Janet Hong Linton, Bar No. 024818  
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Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**PATRICIA MEJIA,**  
**Bar No. 022236,**

Respondent.

**PDJ 2016-9070**

State Bar File Nos. **15-2288**

**AGREEMENT FOR DISCIPLINE BY  
CONSENT**

The State Bar of Arizona ("State Bar"), through undersigned Bar Counsel, and Respondent, Patricia Mejia, who is represented in this matter by counsel, Janet Hong Linton, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. 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 complainant by letter dated July 26, 2016. Complainant has 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.

On August 2, 2016, Complainant sent an objection to the State Bar. The objection is attached as Exhibit A. Complainant contends that the sanction in this consent agreement is too lenient because Respondent allegedly forged Cesar Leyva-Hernandez's ("Hernandez") signature to a Ninth Circuit Court of Appeals ("Ninth Circuit") petition for review, did not timely file the petition for review, filed the petition for review as if Hernandez was proceeding in *pro se*, failed to adequately communicate with Hernandez that she terminated her representation of him, and provided Hernandez an incomplete accounting.<sup>1</sup> As explained below, however, there is not clear and convincing evidence to support all of the allegations in Complainant's August 2, 2016 letter. Specifically, as stated below, Respondent contends that Hernandez provided her permission to sign the petition for review and that they discussed that he would proceed *pro se* with the petition for review.

Regarding Respondent failing to adequately communicate to Hernandez her termination of representation and Respondent failing to timely file the petition for review, these issues are addressed in this consent agreement. Likewise, as stated below, the accounting Respondent provided Hernandez showed all payments made by Hernandez from the start of the representation on October 10, 2007 to September 23, 2013 for fees and through May 4, 2015 for costs.

Complainant also appears to blame Hernandez's deportation on Respondent. As explained below, however, Hernandez was in the United States illegally and Respondent actually extended the time that Hernandez could remain in the United

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<sup>1</sup> Complainant is Hernandez's new attorney.

States by filing documentation with the United States Immigration Citizenship and Immigration Services and obtaining continuances of the removal proceedings. Moreover, as stated below, Respondent did not believe a petition for review with the Ninth Circuit would be successful because of jurisdictional issues.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ERs 1.1, 1.2, 1.3, 1.5(b), and 1.16(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with eighteen (18) months of probation to include participation in the Law Office Management Assistance Program (LOMAP). 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.<sup>2</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit B.

## **FACTS**

### **GENERAL ALLEGATIONS**

1. Respondent was licensed to practice law in Arizona on May 23, 2003.

#### **COUNT ONE (File no. 15-2288/ Chavez)**

2. Cesar Leyva-Hernandez ("Hernandez") is a Mexican citizen who resided in the U.S. illegally.

3. Hernandez had been previously issued a non-immigrant/tourist visa which was revoked after it was discovered that he had overstayed in the United States in violation of the conditions of his visa. Hernandez was granted voluntary

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<sup>2</sup> 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.

return to Mexico in December 2003. In an attempt to enter the United States, Hernandez made a false claim to U.S. citizenship, he gave a false name and a false date of birth to a U.S. Customs Agent. He was again granted voluntary departure, but then reentered the U.S. illegally again in the same year.

4. In March of 2007, Hernandez was pulled over by U.S. Border Patrol and it was discovered that he had a failure to appear warrant for a DUI issued by the Tucson Police Department. At this point, Hernandez was placed in removal proceedings.

5. On or about September 12, 2007, Hernandez met with Respondent.

6. On or about October 10, 2007, Respondent provided Hernandez a "Legal Service Agreement" which defines the scope of the representation as "preparation for defense to Removal/Deportation from the United States."

7. The "Legal Service Agreement" provides for a flat fee of \$5,000.

8. On May 13, 2008, Respondent filed form N-600 ("application for certificate of citizenship") on behalf Hernandez with the United States Citizenship and Immigration Services ("USCIS").

9. According to the USCIS, a person should file this form if they are requesting a certificate of citizenship because they were born outside of the U.S. to a U.S. citizen parent.

10. The USCIS subsequently denied Hernandez's N-600 application because Hernandez "failed to provide evidence of your father's U.S. citizenship and physical presence in the U.S. prior to your birth."

11. In July of 2009, Hernandez married a U.S. citizen.

12. As a result of this marriage, Respondent filed an I-130 petition ("petition for alien relative") for Hernandez with the USCIS.

13. According to the USCIS, an I-130 petition's purpose is to establish the existence of a relationship to certain alien relatives who wish to immigrate to the United States.

14. The USCIS initially granted the I-130 petition but Hernandez's wife subsequently filed for divorce from Hernandez and this revoked the USCIS' grant of the I-130 petition.

15. In February of 2011, Hernandez's home was burglarized.

16. Hernandez cooperated with the police in investigating the burglary.

17. Based upon this cooperation, Respondent attempted to obtain a U visa I-918B certificate for Hernandez.

18. According to the USCIS, in order to file a I-918 petition ("petition for U nonimmigrant status"), a person must demonstrate that they are the victim of certain qualifying criminal activity and that a government official investigating or prosecuting the criminal activity identifies the victim as being or is likely to be helpful in the investigation of the criminal act for which the person was a victim.

19. Respondent attempted but could not obtain the requisite certification from law enforcement.

20. Accordingly, Respondent could not file the I-918 petition.

21. Hernandez paid Respondent an additional \$2,000 for her assistance with the I-130 and I-918 petitions.

22. Respondent did not, however, provide Hernandez a writing conveying the scope of the representation and the basis or rate of her fees relating to her assistance with the I-130 and I-918 petitions.

23. Respondent obtained continuances of the removal proceedings from the immigration court based on the N-600 application and the I-130 and I-918 petitions.

24. In an opinion dated October 29, 2012, the immigration court refused to grant Hernandez any further continuances.

25. The immigration court found that Hernandez was not eligible for any form of relief other than voluntary departure by December 28, 2012 upon payment of a \$500 bond.

26. Respondent filed an appeal of the immigration court's decision to the Board of Immigration Appeals ("BIA").

27. Hernandez paid Respondent \$1,000 for this appeal.

28. Respondent did not provide Hernandez a writing conveying the scope of the representation or the basis or rate of her fees relating to this BIA appeal.

29. On March 26, 2014, the BIA denied Hernandez's appeal and reinstated Hernandez's voluntary departure.

30. After the BIA dismissed his appeal, Hernandez asked Respondent to file a petition for review with the Ninth Circuit Court of Appeals ("Ninth Circuit").

31. Respondent states that Hernandez did not retain her to file the petition for review.

32. Respondent states that she informed Hernandez that she was not representing him in the Ninth Circuit and that her representation terminated after the BIA appeal.

33. Respondent states that she informed Hernandez that she believed a Ninth Circuit petition for review would not be successful because of jurisdictional issues and that an appeal to the Ninth Circuit would revoke his voluntary departure.

34. Indeed, on October 8, 2015, Hernandez filed a petition to reopen his immigration proceedings. On January 15, 2016, the BIA denied the motion to reopen because Hernandez failed to show how the BIA's March 26, 2014 decision would have been subject to challenge before the Ninth Circuit. Hernandez subsequently filed a petition for review in the Ninth Circuit.

35. Respondent states that she informed Hernandez that he could file the petition for review *pro se*, and that Hernandez then asked her to help him draft the petition for review.

36. Respondent agreed to do so and, therefore, Hernandez believed that Respondent was his attorney for purposes of the Ninth Circuit petition for review.

37. On April 24, 2014, Hernandez emailed Respondent and asked her about the time for filing this petition for review, how much "time would we gain with" the petition for review, and whether he would have "a better chance of winning this appeal."

38. On the same date, Respondent replied stating: "I will send it, do not worry. The San Francisco court will charge \$450 to process the case. If you like, tomorrow you can bring me the only order for this amount. . . . We already knew this was going to happen. Now we get to continue buying time."

39. On April 25, 2014, Hernandez emailed Respondent and asked if he could bring her a money order for the petition for review on the following Monday but “[i]f the money order is extremely important today please let me know at my cell. . . .”

40. Hernandez also asked in a subsequent email on the same date whether Respondent thinks he will get deported and whether Respondent thinks that they will prevail on the Ninth Circuit petition for review.

41. Respondent replied “No it’s fine everything on Monday.”

42. Respondent drafted the petition for review and a motion to stay Hernandez’s removal.

43. Respondent delivered the petition for review, the motion for stay, and a \$450 filing fee to the Ninth Circuit via Federal Express.

44. A Federal Express receipt shows that the petition for review, motion for stay, and the filing fee was shipped on April 25, 2014 via “standard overnight” for delivery to the Ninth Circuit on April 28, 2014.

45. Respondent signed Hernandez’s name to the petition for review.

46. Respondent contends that Hernandez provided her permission to sign the petition for review during a telephone conversation on April 24, 2014.

47. Respondent did not provide Hernandez a draft of the petition for review before signing Hernandez’s name to the petition for review because he was out of town between the time that she finished drafting the petition for review and the time she filed it.

48. Hernandez did not pay Respondent for drafting the petition for review.

49. Respondent did not provide Hernandez a writing conveying the scope of the representation and the basis or rate of the fees relating to her assistance with the petition for review because Respondent states that she did not represent Hernandez with the petition for review.

50. The Ninth Circuit returned the \$450 filing fee to Hernandez because the fee for a petition for review is \$500.

51. On May 13, 2014, the Department of Homeland Security ("DHS") filed a motion to dismiss the petition for review for lack of jurisdiction and a response opposing the motion to stay removal.

52. The DHS argued that the Ninth Circuit did not have jurisdiction over the petition for review because it was not timely filed with the Ninth Circuit.

53. The DHS argued that the petition for review was due within 30 days from March 26, 2014 or by April 25, 2014.

54. On May 16, 2014, Hernandez emailed Respondent two documents and wrote: "New paperwork. . . . I'm afraid of having to leave. . . . Help me."

55. The documents that Hernandez emailed Respondent on May 16, 2014 included the motion to dismiss.

56. On May 16, 2014, Respondent directed Hernandez to save the documents "and bring them to me next week."

57. Respondent did not file a response to the DHS' motion to dismiss.

58. Respondent states that she did not file a response to the DHS' motion to dismiss because she did not represent Hernandez in the Ninth Circuit.

59. On September 23, 2014, the Ninth Circuit granted the DHS' motion to dismiss.

60. In its order granting the DHS' motion to dismiss, the Ninth Circuit referred to 8 U.S.C. § 1252(B)(1), which provides that a petition for review must be filed no later than 30 days after the date of the final order of removal.

61. Respondent admitted to the State Bar that she did not timely file Hernandez's petition for review.

62. Respondent informed the State Bar that she miscalculated the due date for the petition for review because her practice is limited to immigration court and she is "not accustomed to the Ninth Circuit filing deadlines. . . ."

63. U.S. Immigration and Customs Enforcement detained Hernandez on or about April 27, 2015 and he was subsequently deported to Mexico.

64. On August 13, 2015, Respondent provided Hernandez an accounting showing the fees that Hernandez paid to Respondent from the inception of representation on October 10, 2007 through through September 2013 and the costs that Hernandez paid in 2014 to the Ninth Circuit.

### **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, 1.2, 1.3, 1.5(b), and 1.16(d).

### **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: Reprimand with eighteen (18) months of probation to include participation in LOMAP.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

## **LOMAP**

Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of entry of the final judgment and order. Respondent shall submit to a LOMAP examination of her office's procedures. Respondent shall sign terms and conditions of probation, including reporting requirements, which shall be incorporated herein. The probation period will commence at the time of entry of the final judgment and order and will conclude eighteen (18) months from that date. Respondent will be responsible for any costs associated with LOMAP.

## **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.

### **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 *Standard* 4.43 applies given the facts and circumstances of this matter. *Standard* 4.43 provides that reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. Respondent was negligent and did not act with reasonable diligence when she assisted Hernandez in the Ninth Circuit. Respondent failed to timely file Hernandez's petition for review in the Ninth Circuit due to miscalculating the due date and because she is not "accustomed to the Ninth Circuit filing deadlines. . . ." Respondent also

negligently failed to file a response to the DHS' motion to dismiss based on her belief that she no longer represented Hernandez. Respondent's failure to timely file the petition for review and failure to file a response to the motion to dismiss caused actual harm to Hernandez because the Ninth Circuit dismissed his petition for review.

The parties further agree that *Standard 4.53* applies. *Standard 4.53* provides that a reprimand is generally appropriate when a lawyer demonstrates a failure to understand relevant legal doctrines and procedures and causes injury or potential injury to a client. Respondent demonstrated a failure to understand relevant Ninth Circuit procedure when she filed Hernandez's petition for review three days late and calculated the due date as the mailing date instead of the delivery date. Respondent's failure to timely file the petition for review caused actual harm to Hernandez because the Ninth Circuit dismissed his petition for review.

**The duty violated**

As described above, Respondent's conduct violated her duty to her client.

**The lawyer's mental state**

For purposes of this agreement, the parties agree that Respondent negligently failed to timely file the petition for review with the Ninth Circuit and negligently failed to file a response to the DHS' motion to dismiss and that her conduct was in violation of 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 harm to the client. The Ninth Circuit dismissed Hernandez's petition for review because Respondent failed to timely file it and failed to respond to the DHS' motion to

dismiss. However, the Board of Immigration Appeals ("BIA") denied Hernandez' motion to reopen his immigration proceedings because Hernandez failed to show how the BIA's March 26, 2014 decision would have been subject to challenge before the Ninth Circuit, notwithstanding the untimely filing of the petition for review.

**Aggravating and mitigating circumstances**

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

**In aggravation:**

*Standard 9.22(a):* Prior disciplinary history. In State Bar File No. 14-3035, Respondent was admonished and placed on probation for one year to include CLE for violating ERs 1.3, 1.4, 3.1, and 8.4(d), which Respondent has successfully completed.

**In mitigation:**

*Standard 9.32(b):* Absence of a dishonest or selfish motive. Respondent failed to timely file the petition for review with the Ninth Circuit based on her miscalculation of its due date. Respondent failed to file a response to the DHS' motion to dismiss based on her belief that she no longer represented Hernandez. Accordingly, there is no dishonest or selfish motive.

*Standard 9.32(e):* Full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

*Standard 9.32(g):* Character or reputation. Respondent has a very good reputation in the immigration community. She recently received an award from the Mexican Consulate in recognition of her pro bono work. See Exhibit C. She was

recently interviewed by NPR and KOLD Channel 13 regarding immigration issues.

See

[http://www.telemundoarizona.com/noticias/local/Video\\_-Y-ahora-que\\_TLMD---Arizona-384201791.html](http://www.telemundoarizona.com/noticias/local/Video_-Y-ahora-que_TLMD---Arizona-384201791.html);

<http://fronterasdesk.org/content/10365/measles-outbreak-causing-backlog-cases-elay-immigration-court>; and

<http://meredithaz.worldnow.com/story/32295369/supreme-court-deadlock-on-immigration-disappoints-many-changes-nothing>

*Standard 9.32(1)*: Remorse. Respondent is remorseful and has expressed a sincere desire to participate in LOMAP to implement changes in her office procedures. She provided three copies of Hernandez' file upon his request, bearing the cost to do so and also reached out to a local advocate about the possibility of sanctuary.

### **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: Respondent's misconduct was negligent. Respondent miscalculated the due date for the petition for review as the mailing date instead of the delivery date. Additionally, Respondent believed that she communicated to Hernandez that she would not represent him in the Ninth Circuit. However, Respondent drafted the petition for review for Hernandez and this led

Hernandez to believe that Respondent still represented him. Although Respondent was previously admonished for diligence issue, the parties believe that the sanction of a reprimand with probation (LOMAP) will assist Respondent so that she does not commit similar ethical violations in the future.

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 a reprimand with eighteen (18) months of probation to include LOMAP and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit D.

**DATED** this 25<sup>th</sup> day of August, 2016.

**STATE BAR OF ARIZONA**

Nicole S. Kaset  
Staff Bar Counsel

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

**DATED** this 24<sup>th</sup> day of August, 2016.



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Patricia Mejia  
Respondent

**DATED** this \_\_\_\_\_ day of August, 2016.

Udall Law Firm LLP

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Janet Hong Linton  
Counsel for 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 August, 2016.

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

**DATED** this \_\_\_\_\_ day of August, 2016.

\_\_\_\_\_  
Patricia Mejia  
Respondent

**DATED** this 23<sup>rd</sup> day of August, 2016.

Udall Law Firm LLP



\_\_\_\_\_  
Janet Hong Linton  
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 \_\_\_ day of August, 2016.

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

**DATED** this \_\_\_\_\_ day of August, 2016.

---

Patricia Mejia  
Respondent

**DATED** this \_\_\_\_\_ day of August, 2016.

Udall Law Firm LLP

---

Janet Hong Linton  
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 25<sup>th</sup> day of August, 2016.

Copy of the foregoing emailed  
this 25<sup>th</sup> day of August, 2016, to:

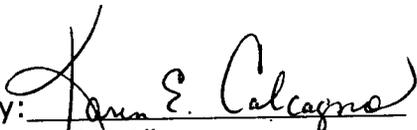
The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 25<sup>th</sup> day of August, 2016 to:

Janet Hong Linton  
Udall Law Firm LLP  
4801 E. Broadway Boulevard, Suite 400  
Tucson, AZ 85711-3638  
Email: [jlinton@udalllaw.com](mailto:jlinton@udalllaw.com)  
Respondent's Counsel

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

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

by:   
NSK/kec

# EXHIBIT A



## Jacobs &amp; Schlesinger LLP

Attorneys at Law

August 2, 2016

State Bar of Arizona  
Attn: Nicole S Kaseta  
4201 N 24th Street, Suite 100  
Phoenix, AZ 85016

RE File No. 15-2288  
Respondent Patricia Mejia

Dear Ms Kaseta,

I write in response to your letter dated July 26, 2016. Per Mr Cesar Leyva's request, I submit this objection to the agreement Ms Mejia has reached with the the State Bar of Arizona

Specifically, Mr Leyva asserts that the agreement is too lenient given the gravity of Ms. Mejia's actions and her previous discipline with the bar He worries that Ms Mejia is simply receiving a "slap on the wrist," so to speak, and will be free to harm other clients in the future by making errors in their cases

Ms. Mejia made numerous errors and showed incompetence in Mr Leyva's case including

- Untimely filing Mr Leyva's Petition for Review with the Ninth Circuit Court of Appeals, thereby leading to its dismissal, and Mr. Leyva's ultimate removal,
- Forging Mr Leyva's signature on the Petition for Review,
- Filing Mr Leyva's Petition for Review as if he were proceeding *pro se*,
- Incomplete accounting for legal fees Mr Leyva paid, and
- Inadequate client communication including failure to advise that she was no longer representing Mr Leyva

Because of Ms. Mejia's actions, Mr Leyva suffered the worst outcome possible--his removal from the United States He has now lived apart from his family and six-year-old son for the past 16 months, lost his livelihood, and has had to spend all of his savings and sold the majority of his assets to attempt to legally return to the United States.

Mr Leyva strongly feels that unless Ms. Mejia receives a stricter punishment, she will not learn from her mistakes and will continue to harm future clients

Please feel free to contact me if you have any questions

Sincerely,

Maria Chavez  
Attorney for Cesar Leyva

# EXHIBIT B

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,  
PATRICIA MEJIA Bar No. 022236, Respondent

File No. 15-2288

### **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**

Total for staff investigator charges . . . . . \$ 0.00

**TOTAL COSTS AND EXPENSES INCURRED** . . . . . **\$1,200.00**

# EXHIBIT C

# CONSULADO DE MÉXICO EN TUCSON

OTORGA EL PRESENTE RECONOCIMIENTO A:

## PATRICIA G. MEJIA

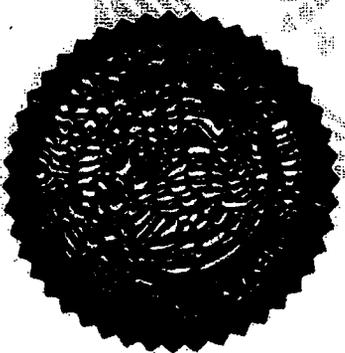
POR SU VALIOSA PARTICIPACION EN LA

### SEMANA DE

### ASESORÍAS LEGALES

CELEBRADA EN LA CIUDAD DE TUCSON, AZ, DEL 25 AL 29 DE JULIO DE 2016

RICHARDO PINEDA  
CÓNsul DE MÉXICO



# EXHIBIT D

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**PATRICIA MEJIA,**  
**Bar No. 022236,**

Respondent.

**PDJ 2016-9070**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 15-2288]

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

**IT IS HEREBY ORDERED** that Respondent, **Patricia Mejia**, is hereby reprimanded for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

**IT IS FURTHER ORDERED** that Respondent shall be placed on probation for a period of eighteen (18) months. The period of probation shall commence upon entry of this final judgment and order and will conclude eighteen (18) months from that date.

**IT IS FURTHER ORDERED** that, as a term of probation, Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of entry of this Final Judgment and Order. Respondent shall submit to a LOMAP examination of her office procedures. Respondent shall sign terms and conditions of probation, including reporting requirements, which shall be incorporated herein. The probation period will commence at the time of entry of the

final judgment and order and will conclude eighteen (18) months from that date. Respondent will be responsible for any costs associated with LOMAP.

**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 Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200 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, 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 September, 2016.

Copies of the foregoing mailed/mailed  
this \_\_\_\_\_ day of September, 2016, to:

Janet Hong Linton  
Udall Law Firm, LLP  
4801 E. Broadway Boulevard, Suite 400  
Tucson, AZ 85711-3638  
Email: [jlinton@udalllaw.com](mailto:jlinton@udalllaw.com)  
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered  
this \_\_\_\_\_ day of September, 2016, to:

Nicole S Kasetta  
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)

Copy of the foregoing hand-delivered  
this \_\_\_\_\_ day of September, 2016 to:

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

by: \_\_\_\_\_