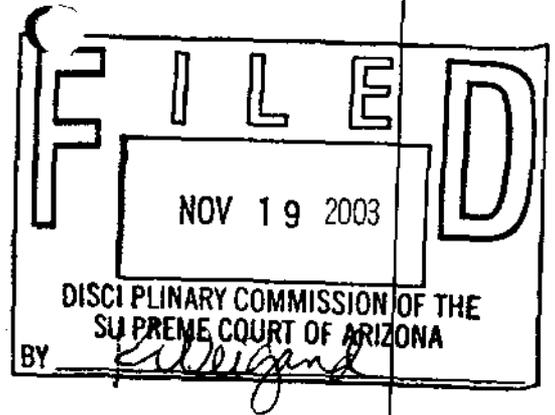


1 Alison L. Maloney, Bar No. 019434
2 Staff Bar Counsel
3 State Bar of Arizona
4 111 West Monroe, Suite 1800
5 Phoenix, Arizona 85003-1742
6 Telephone: 602-340-7244



7 **BEFORE THE DISCIPLINARY COMMISSION**
8 **OF THE SUPREME COURT OF ARIZONA**

9 IN THE MATTER OF A MEMBER) Nos. 01-0328, 01-2297, 02-0212,
10 OF THE STATE BAR OF ARIZONA,) 02-0957, and 02-1026
11)
12) **AMENDED TENDER**
13) **OF ADMISSIONS AND**
14) **AGREEMENT FOR**
15) **DISCIPLINE BY CONSENT**
16)
17) **Respondent.**)
18)
19) (Assigned to Hearing Officer 8T)
20)

21 This Amended Agreement is entered into between the State Bar of Arizona
22 through undersigned counsel and Respondent, Leslie Hatfield, represented by
23 Robert Doyle. It is submitted pursuant to Rule 56(a), Ariz.R.S.Ct. and the
24 guidelines for discipline by consent issued by the Disciplinary Commission of the
25 Supreme Court of Arizona. The parties entered into an Agreement on or about
July 14, 2003, which provided for a ninety-day suspension and upon
reinstatement, two years of probation with Law Office Management Assistance
Program (LOMAP) audit. On or about November 10, 2003, the Disciplinary
Commission rejected the Agreement and recommended the Agreement be

1 modified to reflect a thirty-day suspension and upon reinstatement, two years of
2 probation with a LOMAP audit, a Membership Assistance Program (MAP)
3 assessment, and costs to be paid within thirty (30) days of the final Judgment and
4 Order. The parties therefore agree to modify the Agreement to reflect the
5 Disciplinary Commission's recommendation.
6

7 Respondent agrees to accept the imposition of a thirty-day suspension, and
8 payment of the costs and expenses of the disciplinary proceedings. Restitution is
9 not applicable in this matter. Respondent understands that this Amended
10 Agreement is subject to review and acceptance by the Disciplinary Commission.
11

12 **FACTS**

13 The parties conditionally admit the following facts:
14

15 **GENERAL ALLEGATIONS**

16 1. At all times relevant hereto, Respondent was an attorney licensed to
17 practice law in the State of Arizona, having been admitted to practice in Arizona
18 on October 21, 1988.
19

20 **COUNT ONE (01-0328 - Larry Bowers)**

21 2. Larry Bowers retained the firm of Whitehead and Associates on
22 July 26, 2000, to represent him in his dissolution.
23

24 3. Mr. Bowers paid Whitehead and Associates a retainer of \$6,500.00.
25

1 4. Mr. Bowers' case was assigned to Respondent, who was an associate
2 in the Whitehead firm at the time.

3 5. Mr. Bowers informed Respondent that he intended on filing for
4 bankruptcy protection.
5

6 6. On or about November 17, 2000 a Property Settlement Agreement
7 and Consent Decree was lodged with the Court by Mr. Bowers' wife's counsel.
8 The Settlement and Decree contained a bankruptcy clause which Respondent did
9 not fully explain to Mr. Bowers.
10

11 7. On or about December 8, 2000, Mr. Bowers consulted with an
12 attorney regarding filing for bankruptcy. Thereafter, Mr. Bowers advised
13 Respondent that he may not be able to discharge his debts in bankruptcy due to
14 the clause contained in the Property Settlement Agreement and Consent Decree.
15 Under those circumstances, Respondent filed a Motion to Withdraw from the
16 Property Settlement Agreement and Consent Decree.
17

18 8. Thereafter, Mr. Bowers advised Respondent that he needed to have
19 the Decree signed as soon as possible.
20

21 9. Respondent advised Mr. Bowers that it would be necessary to
22 withdraw their Motion to Withdraw from the Property Settlement Agreement and
23 Consent Decree, to which Complainant agreed.
24
25

1 10. From January 12, 2001 through February 12, 2001, Mr. Bowers
2 made numerous unsuccessful attempts to contact Respondent, and was unable to
3 ascertain the status of his case. The Final Decree was not entered by the Court
4 until March 30, 2001.

5
6 11. Throughout the course of the representation, Respondent failed to
7 adequately communicate with Mr. Bowers and failed to ensure that he received
8 copies of all pleadings.

9
10 12. Respondent failed to cooperate with the State Bar in the investigation
11 into the allegations raised by Mr. Bowers by failing to respond to the State Bar's
12 letters of March 14, 2001 and April 20, 2001. The letters were sent to
13 Respondent's address of record. By correspondence dated May 10, 2001,
14 Respondent requested an extension of time to respond, advising that she would
15 have her response filed by May 18, 2001. Respondent did not respond to the
16 State Bar until August 13, 2001.

17
18
19 **COUNT TWO (01-2297 - Ann Field/Blanca Falcon)**

20 13. In or around February, 2001, Blanca Falcon retained the firm of
21 Whitehead and Associates for representation in a post-dissolution matter. Ms.
22 Falcon paid \$4,700.00 for the representation.

23
24 14. Ms. Falcon's case was assigned to Respondent, who was an
25 associate in the Whitehead firm at the time.

1 15. Ms. Falcon's ex-husband was seeking to enforce a Puerto Rico child
2 support order through Arizona's Department of Economic Services.

3 16. On or about February 28, 2001, Ms. Falcon's ex-husband agreed to
4 dismiss his request for child support.
5

6 17. Despite knowing this, Respondent did not take sufficient action to
7 have the case dismissed until August 21, 2001.
8

9 18. Throughout the course of the representation, Respondent failed to
10 adequately communicate with Ms. Falcon. Ms. Falcon made numerous attempts
11 to contact Respondent regarding the status of her case. Respondent failed to
12 respond to all her repeated requests for information.
13

14 **COUNT THREE (02-0212 – Jeana Whitaker)**

15 19. In or around July, 2000, Jeana Whitaker retained the firm of
16 Whitehead and Associates to modify child support and visitation for a 1995
17 Nevada dissolution.
18

19 20. Respondent, an associate in the Whitehead firm at the time, was
20 assigned to Ms. Whitaker's case.
21

22 21. Throughout the course of the representation, Respondent failed to
23 adequately communicate with Ms. Whitaker by failing to return all her calls or
24 respond to her correspondence.
25

1 22. Although the Whitehead firm was retained in July, 2000, Respondent
2 did not file a Motion to Domesticate Judgment until September 11, 2000. Some
3 of the initial delay occurred when Respondent attempted to file the Motion
4 without a coversheet. Respondent did not act diligently in this matter.
5

6 23. Respondent failed to file the Order to Show Cause Petition
7 Regarding Modification of Visitation and Child Support until December 27,
8 2000.
9

10 24. Thereafter, Ms. Whitaker had continued difficulty in communicating
11 with Respondent.
12

13 25. On April 24, 2001, a meeting was scheduled at Expedited Services.
14 Although Ms. Whitaker and opposing counsel appeared on time, Respondent was
15 not present. Respondent was reached by telephone and appeared an hour late.
16 The firm of Whitehead and Associates was sanctioned by the Court as a result,
17 and was ordered to pay attorney fees to opposing counsel.
18

19 26. During the meeting at Expedited Services, it was determined that the
20 case needed to go to Conciliation Services before Expedited Services could set
21 child support.
22

23 27. In July, 2001, Ms. Whitaker's file was transferred to new counsel at
24 the Whitehead firm.
25

1 Respondent's address of record. The letters were not returned to the State Bar of
2 Arizona.

3
4 **COUNT FIVE (02-1026 – Tammy Presley)**

5 33. Respondent was the attorney for Wayne Johnson in a child custody
6 dispute. Tammy Presley was the mother of the minor child involved in the
7 dispute. Ms. Presley was not represented by counsel.

8
9 34. Ms. Presley filed a complaint against Respondent on or about May
10 26, 2002.

11 35. Respondent failed to cooperate with the State Bar of Arizona in the
12 investigation into the allegations raised by Ms. Presley by failing to respond to
13 the State Bar's letter of August 11, 2002. The letter was sent to Respondent's
14 address of record. The letter was not returned to the State Bar of Arizona.

15
16 36. Respondent, by refusing to communicate with Ms. Presley and by
17 failing to file a timely Motion to Withdraw, engaged in conduct prejudicial to the
18 administration of justice.

19
20 **COUNT SIX (PRIOR DISCIPLINE)**

21 37. Respondent has previously been sanctioned for violations of the
22 Rules of Professional Conduct. Specifically, in case number 00-0028,
23 Respondent received an informal reprimand and probation, by order dated August
24 23, 2000, for violations of ERs 1.2, 1.3, 1.4, 3.2, 8.4(d), and 8.1(b) and Rule 51(h)
25

1 and (i), Ariz.R.S.Ct. Further, in case number 00-1661, Respondent received an
2 informal reprimand and probation, by Order dated May 25, 2001, for violations of
3 ERs 1.2, 1.3, 1.4, 1.15(b), 1.16(d) and 8.4(d), Ariz.R.S.Ct.
4

5 **CONDITIONAL ADMISSIONS**

6 Respondent conditionally admits that her conduct, as set forth above,
7 violated the following Rules of Professional Conduct and Rules of the Supreme
8 Court:
9

10 ER 1.3: 3 violations (Counts Two, Three and Four)

11 ER 1.4: 4 violations (Counts One, Two, Three and Four)

12 ER 8.1(b): 2 violations (Counts Four and Five)

13 ER 8.4(d): 1 violation (Count One)

14 Rule 51(h): 4 violations (Counts One, Three, Four and Five)

15 Rule 51(i): 2 violations (Counts Four and Five)

16 Respondent's admissions are being tendered in exchange for the form of
17 discipline stated below.
18
19

20 **DISMISSED ALLEGATIONS**

21 The State Bar and Respondent agree that ER 8.4(d), alleged in Count Five
22 (File No. 02-1026) of the Complaint, will be dismissed. Based upon discovery
23 conducted during the formal proceedings, the State Bar conditionally admits it
24
25

1 cannot prove by clear and convincing evidence this violation. The State Bar
2 agrees to dismiss the stated violations in exchange for this settlement agreement.

3 RESTITUTION

4
5 There is no restitution due to the clients in these matters as all monies were
6 paid directly to the firm of Whitehead and Associates. Respondent was never
7 paid directly by the clients, never had custody or control over any funds, and
8 never had a say in setting the fees. In addition, Respondent did provide services
9 for the clients as set forth herein.
10

11 Mr. Yother, Ms. Falcon, and Ms. Whitaker did receive partial refunds of
12 their fees directly from Whitehead and Associates as follows: Ms. Whitaker's fee
13 was reduced from \$5,500 to \$3,100; Mr. Yother was refunded \$1,000; Ms. Falcon
14 received a \$2,000 refund. Restitution does not apply to Ms. Presley as she was
15 not a client of either Respondent or Whitehead and Associates. Finally, as to Mr.
16 Bowers, a restitution order would not be appropriate against Respondent as any
17 fees were paid directly to Whitehead and Associates and because the State Bar
18 does not have sufficient evidence to prove that the work was not performed on his
19 behalf.
20
21

22 SANCTIONS

23
24 Respondent and the State Bar agree that on the basis of the conditional
25 admissions contained herein, the appropriate disciplinary sanction is as follows:

1 1. Respondent shall receive a thirty-day suspension for her conduct.

2 2. Respondent shall pay the costs and expenses of the State Bar in the
3 amount of \$695.58 within 30 days of the Final Judgment and Order. A Statement
4 of Costs is attached hereto.

5 3. Respondent shall pay the administrative costs imposed by the
6 Disciplinary Commission, the Disciplinary Clerk's Office, and the Arizona
7 Supreme Court in this matter.

8 4. Upon reinstatement, Respondent shall be placed on probation for a
9 period of two years, under the terms set forth as follows:

10 a. Respondent shall submit to a LOMAP audit within thirty (30)
11 days of the Supreme Court's Judgment and Order of reinstatement. Respondent
12 shall enter into a Memorandum of Understanding consistent with the findings of
13 the LOMAP Director or his or her designee.

14 b. Respondent shall undergo a MAP assessment within thirty
15 (30) days of the Supreme Court's Judgment and Order of reinstatement.
16 Respondent shall comply with all recommendations of the MAP Director or his or
17 her designee.

18 c. Respondent shall refrain from any conduct that would violate
19 the Rules of Professional Conduct or other rules of the Supreme Court of
20 Arizona.

1 d. In the event Respondent fails to comply with any of the
2 foregoing terms, and information thereof is received by the State Bar of Arizona,
3 Bar Counsel shall file a Notice of Non-compliance with the imposing entity
4 pursuant to Rule 52(a)(6)(C), Ariz.R.S.Ct. The matter may be referred to a
5 Hearing Officer to conduct a hearing at the earliest practical date, but in no event
6 more than thirty (30) days following receipt of said Notice. If the matter is
7 referred to a Hearing Officer, the Hearing Officer shall determine whether the
8 terms of probation have been breached and, if so, to recommend appropriate
9 action and response to such breach. If there is an allegation that Respondent
10 failed to comply with any of the foregoing terms, the burden of proof shall be on
11 the State Bar of Arizona to prove non-compliance by a preponderance of the
12 evidence.
13

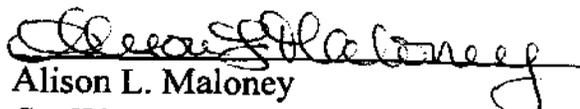
14 Respondent is represented by counsel in this matter. Respondent
15 understands that she must apply for reinstatement pursuant to Rules 71 and 72,
16 Ariz.R.S.Ct. Respondent, by entering into this Amended Agreement, waives her
17 right to a formal disciplinary hearing that she would otherwise be entitled to
18 pursuant to Rule 53(c)(6), Ariz.R.S.Ct., and the right to testify or present
19 witnesses on her behalf at a hearing. Respondent further waives all motions,
20 defenses, objections, or requests which she has made or raised, or could assert
21 hereinafter, if the conditional admissions and stated form of discipline are
22
23
24
25

1 approved. Respondent acknowledges that she has read this Amended Agreement
2 and has received a copy of it.

3
4 This Amended Tender of Admissions and Agreement for Discipline by
5 Consent will be submitted to the Disciplinary Commission for approval.
6 Respondent understands that the Disciplinary Commission may order a Hearing
7 Officer to conduct an evidentiary hearing, if necessary. Respondent further
8 understands that the Disciplinary Commission may recommend rejection of this
9 Amended Agreement or may propose modifications. Respondent further
10 understands the Disciplinary Commission must approve this Amended Agreement
11 and that this matter will become final upon judgment and order of the Supreme
12 Court of Arizona. If the Amended Agreement is rejected, the parties' conditional
13 admissions are withdrawn.
14
15

16 DATED this 19th day of November, 2003.

17 STATE BAR OF ARIZONA

18
19
20 
21 Alison L. Maloney
Staff Bar Counsel

22 This Amended Agreement, with conditional admissions, is submitted freely
23 and voluntarily and not under coercion or intimidation. I am aware of the Rules
24 of the Supreme Court with respect to discipline and reinstatement.
25

1
2 DATED this 19th day of November, 2003.

3
4
5 Leslie Hatfield
6 Leslie Hatfield
7 Respondent

8 DATED this 19th day of November, 2003.

9
10 R. Doyle 007380
11 Robert W. Doyle
12 Respondent's Counsel

13 Approved as to form and content by

14 Robert Van Wyck
15 Robert Van Wyck
16 Chief Bar Counsel

17 Original filed with the Disciplinary Clerk
18 this 19th day of November, 2003

19 by Agnes Dalyn Burke

20 Copy mailed via first class mail,
21 this 19th day of November, 2003, to:

22 Frederick K. Steiner
23 Hearing Officer 8T
24 2915 E. Sherran Lane
25 Phoenix, Arizona 85016-7057

* * *
* * *

1 Neal C. Taylor
2 Settlement Officer 8I
3 111 West Monroe, Suite 1500
4 Phoenix, Arizona 85003-1742

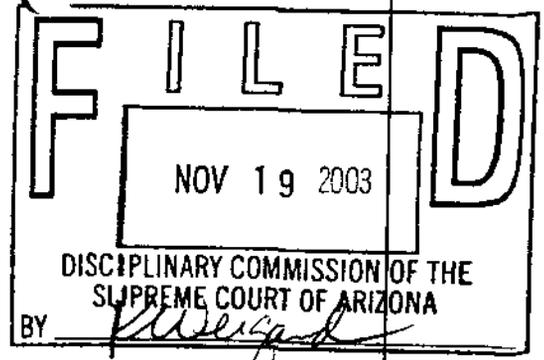
4 Robert W. Doyle
5 Respondent's Counsel
6 2196 East Camelback
7 Phoenix, Arizona 85016-1713

7 Copy hand delivered
8 this 19th of November, 2003, to:

9 Lawyer Regulation Records Manager
10 State Bar of Arizona
11 111 West Monroe, Suite 1800
12 Phoenix, Arizona 85004-1742

12 by Gwendolyn Burke
13 ALM:gb

1 Alison L. Maloney, Bar No. 019434
2 Staff Bar Counsel
3 State Bar of Arizona
4 111 West Monroe, Suite 1800
5 Phoenix, Arizona 85003-1742
6 Telephone: (602) 340-7244



7 **BEFORE THE DISCIPLINARY COMMISSION**
8 **OF THE SUPREME COURT OF ARIZONA**

9 IN THE MATTER OF A MEMBER) Nos. 01-0328, 01-2297, 02-0212,
10 OF THE STATE BAR OF ARIZONA,) 02-0957, and 02-1026
11)
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LESLIE HATFIELD,) **AMENDED JOINT**
Bar No. 012177) **MEMORANDUM IN SUPPORT**
) **OF AGREEMENT FOR**
) **DISCIPLINE BY CONSENT**
)
Respondent.)
(Assigned to Hearing Officer 8T)

15 The State Bar of Arizona and Respondent, Leslie Hatfield, who is
16 represented by Robert W. Doyle in these proceedings, hereby submit their
17 Amended Joint Memorandum in Support of the Agreement for Discipline by
18 Consent filed contemporaneously herewith.

20 As reflected in the Amended Tender of Admissions and Agreement for
21 Discipline by Consent, Respondent's misconduct in this matter includes failing to
22 adequately communicate with clients, failing to diligently represent the interests
23 of clients, and failing to cooperate with the State Bar's investigation. Respondent

1 conditionally admits the facts as set forth in the Amended Tender of Admissions
2 and Agreement for Discipline by Consent.

3
4 In this memorandum, the parties address the issue of the appropriate form
5 of sanction. The sanctions agreed upon by the State Bar of Arizona and
6 Respondent are a thirty-day suspension, probation, and the payment of costs
7 incurred in the disciplinary proceeding.

8
9 In arriving at the agreed upon sanctions, the parties have considered the
10 American Bar Association Standards for Imposing Lawyer Sanctions
11 ("Standards"), particularly Standards 4.4, 7.2, and 9.1, as well as applicable case
12 law.

13 14 STANDARDS

15 The Standards provide guidance with respect to an appropriate sanction in
16 the matter. The Supreme Court and the Disciplinary Commission are consistent
17 in utilizing the Standards to determine appropriate sanctions for attorney
18 discipline. In re Kaplan, 179 Ariz. 175, 877 P.2d 274 (1994). The Standards
19 provide that four factors should be considered in determining the sanction: the
20 duty violated, the lawyer's mental state, the actual or potential injury, and
21 aggravating and mitigating factors. Where there are multiple acts of misconduct,
22 the Respondent should receive one sanction that is consistent with the most
23
24
25

1 serious instance of misconduct, and the other acts should be considered as
2 aggravating factors. In re Cassalia, 173 Ariz. 372, 843 P.2d 654 (1992).

3
4 The most serious violations present in this matter involve Respondent's
5 failure to diligently represent the interests of her clients or adequately
6 communicate with them. "Suspension is generally appropriate when a lawyer
7 engages in a pattern of neglect and causes injury or potential injury to a client."
8
9 See Standard 4.42(b),

10 In this matter, Respondent engaged in a pattern of neglect during the
11 representation of several unrelated clients. Respondent admits that she failed to
12 adequately communicate with those clients. Suspension is the presumptive
13 sanction in this matter.
14

15 Respondent also admits that she failed to furnish information and promptly
16 respond to inquiries and requests from the State Bar as alleged in Counts One,
17 Three, Four and Five. "Suspension is generally appropriate when a lawyer
18 knowingly engages in conduct that is a violation of a duty owed as a professional
19 and causes injury or potential injury to a client, the public, or the legal system."
20
21 See Standard 7.2. Again, pursuant to the Standards, suspension is the
22 presumptive sanction in this matter.
23
24
25

1 Following a determination of the presumptive sanction, it is appropriate to
2 review factors that may be considered to aggravate or mitigate the presumptive
3 sanction.
4

5 A review of Standard 9.22 indicates the following aggravating factors are
6 present:

7 1. 9.22(a) prior disciplinary offenses: By order dated August 23, 2000,
8 Respondent received an Informal Reprimand and probation (File No. 00-0028)
9 for violations of ER's 1.2, 1.3, 1.4, 3.2, 8.4(d), 8.1(b) and Rule 51(h) and (i),
10 Ariz.R.S.Ct. By order dated May 25, 2001, Respondent received an Informal
11 Reprimand (File No. 00-1661) for violations of ER's 1.2, 1.3, 1.4, 1.15(b),
12 1.16(d) and 8.4(d), Ariz.R.S.Ct.
13
14

15 2. 9.22(c) pattern of misconduct: This factor is applicable as
16 Respondent failed to diligently represent the interests of, and/or failed to
17 adequately communicate with four separate clients in the instant matter, and has a
18 history of engaging in similar conduct. In addition, Respondent engaged in a
19 pattern of failing to respond to State Bar inquiries. Further, Respondent was
20 placed on diversion and ordered to participate in LOMAP in 1999 in File Number
21 98-1413 for violations of ER's 1.2 and 1.4, and Respondent successfully
22 completed the terms of her diversion in that matter.
23
24
25

1 3. 9.22(e) failure to comply with the State Bar: This factor is applicable
2 as Respondent intentionally failed to comply with the rules of the disciplinary
3 agency by either failing to furnish information to the State Bar or failing to
4 promptly respond to inquiries and requests from the State Bar in four separate
5 matters.
6

7 4. 9.22(i) substantial experience in the practice of law: Respondent has
8 been a practicing attorney for fifteen (15) years, having been admitted to practice
9 in Arizona in 1988.
10

11 A review of Standard 9.32 indicates the following mitigating factors are
12 present:
13

14 1. 9.32(b) absence of a dishonest or selfish motive: There is no
15 evidence that Respondent acted in an intentional manner with a dishonest or
16 selfish motive. Respondent was an employee of Whitehead and Associates, had
17 no pecuniary interest in the firm, and did not profit from individual cases.
18

19 2. 9.32(c) personal or emotional problems: Respondent had personal or
20 emotional problems during the time period in question. Specifically, Respondent
21 was experiencing family problems, including raising a child with a developmental
22 disability (seizures, low IQ, behavioral problems) as a result of a difficult birth.¹
23
24

25

¹ See Part A, Appendix to Joint Memorandum.

1 3. 9.32(h) mental disability or impairment: Respondent has a lengthy
2 history of diagnosis and treatment for chronic depression. Her diagnosis goes
3 back prior to 1994, long before her employment with Whitehead and Associates.
4 Over the years, her treatment has included medication, counseling, and therapy
5 sessions. Respondent is currently still under a physician's care for chronic
6 depression.²
7

8 4. 9.32(l) remorse: Respondent has demonstrated remorse, and
9 indicated that she should have handled these matters differently. Respondent
10 recognizes her ethical breaches and agrees that she should receive a suspension in
11 this matter. Respondent has also changed the type of law practice in which she is
12 engaged.³
13

14 5. 9.32(y) character and reputation: Respondent is now employed with
15 the Office of Legal Advocacy, an agency of Maricopa County. Respondent
16 represents children as their guardian ad litem in cases where her office has been
17 appointed. Her supervisors are aware of the Respondent's situation and have
18 supported her throughout this matter.⁴
19
20
21
22

23 ² See Part B, Appendix to Joint Memorandum.

24 ³ See Part C, Appendix to Joint Memorandum.

25 ⁴ See Part D, Appendix to Joint Memorandum.

1 The aggravating and mitigating factors do not serve to necessitate an
2 increase or decrease in the presumptive sanction. However, these factors may be
3 considered in determining the appropriate length of a suspension. Based on the
4 aggravating and mitigating factors present, the parties agree that Respondent
5 should receive the presumptive sanction of a suspension. It is the parties'
6 position that Respondent should receive a thirty-day suspension.
7

8 PROPORTIONALITY

9
10 To have an effective system of professional regulation, there must be
11 internal consistency and it is therefore appropriate to examine sanctions imposed
12 in cases that are factually similar. In re Shannon, 179 Ariz. 52 (1994) (quoting In
13 re Wines, 135 Ariz. 203 (1983)), In re Pappas, 159 Ariz. 516, 768 P.2d 1161
14 (1988). However, the discipline in each situation must be tailored to the
15 individual case, as neither perfection nor absolute uniformity can be achieved.
16
17 Matter of Riley, 142 Ariz. 604, 615 (1984).
18

19 Respondent and the State Bar have agreed to the imposition of a thirty-day
20 suspension and a two-year term of probation. Respondent's conduct involved
21 four counts of neglect and four counts concerning her failure to cooperate with
22 the State Bar.
23

24 There are a number of prior cases in which sanctions were imposed for
25 misconduct involving neglect similar to that present in this case.

1 In Matter of Kobashi, 177 Ariz. 584, 870 P.2d 402 (1994), the lawyer
2 neglected the interests of one client and completely failed to cooperate with the
3 State Bar. No mitigating factors were present. Kobashi received a six-month and
4 one-day suspension.
5

6 The lack of mitigating factors in Kobashi distinguish that case from the
7 instant matter. In the present case, there are several mitigating factors that
8 support the imposition of a thirty-day suspension.
9

10 In Matter of Odneal, SB-02-0085-D (2002), the lawyer received a three-
11 month suspension and was placed on probation for two years for failing to
12 comply with reasonable requests for information, failing to return unused portion
13 of retainers in a timely manner, failing to provide an accounting, failing to
14 cooperate with the State Bar in its investigation, and engaging in conduct
15 involving deceit or misrepresentation. There were several aggravating factors
16 presented, and only one factor in mitigation. As in Oodneal, Respondent failed to
17 cooperate with the State Bar in its investigation, and failed to comply with her
18 client's reasonable requests for information. Respondent also has a prior history
19 of conduct similar to the allegations contained in the Complaint, as did Odneal.
20
21

22 In Matter of Augenstein, 177 Ariz. 581, 870 P.2d 399 (1994), the lawyer
23 was censured and placed on probation for two years for failing to abide by his
24 client's wishes, failing to act with reasonable diligence and failing to adequately
25

1 communicate with his clients. The lawyer also failed to respond to letters from
2 the State Bar. The case presented mitigating and aggravating factors similar to
3 those present in the instant matter. However, in Augenstein, the attorney had no
4 prior disciplinary record, and was found to have a physical or mental disability or
5 impairment.
6

7 An analysis of the above cases reveals that a thirty-day suspension is an
8 appropriate sanction given the particular facts involved here. The aforementioned
9 cases indicate that a censure might be warranted if this matter were considered in
10 isolation. However, Respondent's conduct, as set forth in the Amended Tender of
11 Admissions, involved several instances of misconduct as well. In addition,
12 Respondent has a discipline history that includes conduct similar to the instant
13 allegations.
14

15 In this matter, Respondent has fully participated in the formal proceedings.
16 Respondent has further indicated that she will participate in all remedial programs
17 required as a part of the sanction. For these reasons, considering the totality of
18 the circumstances present in this case, including the underlying facts as well as
19 the mitigating factors, the parties believe that the purposes of discipline will be
20 served by a thirty-day suspension, along with probation upon reinstatement.
21
22
23
24
25

1 CONCLUSION

2 Recognizing that the objective of lawyer discipline is not to punish the
3 lawyer, but to protect the public, the profession, and the administration of justice,
4 (In re Neville, 147 Ariz. 106, 708 P.2d 1297 (1985)), and giving consideration to
5 the facts in this case, the Standards, and the prior decisions of the Arizona
6 Supreme Court, a thirty-day suspension and probation is an appropriate sanction
7 in this matter. This sanction supports the purposes of attorney discipline.
8 Respondent and the State Bar of Arizona respectfully request that the Disciplinary
9 Commission accept this Agreement for Discipline by Consent.
10
11

12 DATED this 19th day of November, 2003.

13
14 STATE BAR OF ARIZONA

15
16 
17 Alison L. Maloney
18 Staff Bar Counsel

19 DATED this 19th day of November, 2003.

20
21 
22 Leslie Hatfield
23 Respondent

24 * * *
25 * * *

1 DATED this 19th day of November, 2003.

2
3 R. Doyle 007383
4 Robert W. Doyle
5 Respondent's Counsel

6 Approved as to form and content:

7 Robert Van Wyck
8 Robert Van Wyck
9 Chief Bar Counsel

10 Original filed with the Disciplinary Clerk
11 this 19th day of November, 2003

12 by: Gwendolyn Burke

13 Copy mailed via first class mail
14 this 19th day of November, 2003, to:

15 Frederick K. Steiner
16 Hearing Officer 8T
17 2915 E. Sherran Lane
18 Phoenix, Arizona 85016-7057

19 Neal C. Taylor
20 Settlement Officer 8I
21 111 West Monroe, Suite 1500
22 Phoenix, Arizona 85003-1742

23 Copy hand delivered
24 this 19th day of November, 2003, to:

25 Lawyer Regulation Records Manager
State Bar of Arizona
111 West Monroe, Suite 1800
Phoenix, Arizona 85004-1742

by Gwendolyn Burke

1 Copy mailed via first class mail
2 this 19th day of November 2003, to:

3 Robert W. Doyle
4 Respondent's Counsel
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7 by Gwendolyn Burke

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