

1 Robert A. Clancy, Jr., Bar No. 016424
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 ARIZONA SUPREME COURT**

9 IN THE MATTER OF A MEMBER) Nos. 01-1005 and 02-1359
10 OF THE STATE BAR OF ARIZONA,)
11)
12 LYNN M. PEARLSTEIN,) **TENDER OF ADMISSIONS**
13 **Bar No. 002374**) **AND AGREEMENT FOR**
14) **DISCIPLINE BY CONSENT**
15)
16 Respondent.) (Assigned to Hearing Officer 9Z)

17 This Agreement, entered into between the State Bar of Arizona and
18 Respondent Lynn M. Pearlstein, is submitted pursuant to Rule 56(a), *Ariz.R.S.Ct.*
19 and the guidelines for discipline by consent issued by the Disciplinary Commission
20 of the Supreme Court of Arizona. Respondent agrees to the form of discipline
21 stated herein, subject to review and acceptance by the Disciplinary Commission.

22 **FACTS**

23 Respondent conditionally admits the following facts:

- 24 1. At all times relevant hereto, Respondent was an attorney licensed to
25 practice law in the State of Arizona, having been admitted to practice in Arizona
on September 20, 1969.

COUNT ONE (File No. 01-1005)

1
2 2. In or about December 1995, Billie Larrabee ("Complainant") retained
3 Respondent to assist her with a delinquent child support payment matter.
4 Complainant paid Respondent a retainer of \$3,500.00.
5

6 3. During the initial meeting, or shortly thereafter, Respondent made
7 sexually inappropriate comments and/or told sexually explicit jokes to
8 Complainant.
9

10 4. Throughout the representation, Respondent continued to make
11 inappropriate sexual remarks to Complainant. Complainant told Respondent that
12 the comments were unwelcome and inappropriate, and that he must stop acting in
13 this manner. If called to testify at a hearing, Complainant would testify that
14 Respondent told her that he wanted to have sex with her, and that Respondent
15 inappropriately touched Complainant in a sexual manner on more than one
16 occasion. Respondent would deny the accusations referenced in the preceding
17 sentence.
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19

20 5. If called to testify at a hearing, Complainant would testify that
21 although she was uncomfortable with Respondent's conduct, she was afraid to
22 fire or report Respondent for fear that her back child support case would be
23 delayed.
24
25

1 6. In or about 1999, Complainant terminated the attorney-client
2 relationship with Respondent. Prior to the termination, Complainant had resolved
3 her child support case with her ex-husband on her own.
4

5 7. As a result of Respondent's inappropriate conduct, Complainant
6 claims to have suffered physical and emotional harm. She filed a civil lawsuit
7 against Respondent for these damages on March 8, 2000. The suit was settled
8 for a \$65,000 payment to Complainant on or about June 19, 2002.
9

10 8. On or about May 10, 2001, Complainant filed a bar complaint against
11 Respondent claiming inappropriate comments and touching.

12 9. On June 5, 2001, Bar Counsel wrote to Respondent asking him to
13 respond to Complainant's allegations within twenty (20) days of the date of the
14 letter.
15

16 10. In his Response to Complainant's informal charge, dated June 20,
17 2001, Respondent denied the allegations against him.
18

19 11. Thereafter, the State Bar's investigation revealed at least three (3)
20 other claims against Respondent filed by former employees. These claims
21 alleged that Respondent engaged in inappropriate and unprofessional conduct
22 with members of his staff, including sexual joking and sexual innuendo.
23
24
25

1 time spent on his case and also asked that any unused retainer be forwarded to his
2 new counsel. Respondent failed to respond to any of these requests.

3
4 16. Respondent unwittingly failed to respond to Complainant's
5 telephone calls.

6 17. In May 2002, Complainant filed a complaint with the State Bar
7 against Respondent.

8
9 18. On or about July 24, 2002, staff Bar Counsel sent a copy of the
10 complaint from Complainant to Respondent and requested a response within
11 twenty days (20) of the date of the letter. Respondent failed to file any response.

12
13 19. On or about September 13, 2002, Bar Counsel sent a second letter to
14 Respondent again requesting that he provide a response to the complaint within
15 ten (10) days of the date of the second letter. Respondent again failed to file any
16 response to the second letter from Bar Counsel.

17
18 20. On or about December 16, 2002, the State Bar filed a formal
19 Complaint against Respondent for his conduct in both file number 01-1005 and
20 02-1359.

21
22 21. On or about January 10, 2003, Respondent filed his Answer
23 indicating that due to a communication breakdown in his office, Respondent had
24 not been made aware of the Complainant's request for an accounting and refund
25 of the unused portion of the retainer, nor of Bar Counsel's two (2) letters and

1 requests for response. Respondent's Answer further indicated that Complainant's
2 \$10,000 retainer had been refunded in full, notwithstanding Respondent's belief
3 that he had in fact performed valuable legal services for Complainant, and had
4 also advanced client costs, including the filing fee for the Petition for Dissolution.
5 Respondent refunded the \$10,000 on or about the same day he first became aware
6 of the bar complaint.
7

8 CONDITIONAL ADMISSIONS

9
10 With regard to Count One (file number 01-1005) Respondent conditionally
11 admits that by subjecting Complainant to unwelcome commentary of a sexual
12 nature, Respondent engaged in a conflict of interest when his representation of
13 Complainant conflicted with his own interests and Complainant was not
14 consulted about the conflict, in violation of ER 1.7(b). Respondent further admits
15 that by engaging in conduct that violated ER 1.7(b), he also violated ER 8.4(d).
16

17
18 With regard to Count Two (file number 02-1359), Respondent
19 conditionally admits that he failed to keep Complainant informed about the status
20 of his matter and failed to promptly comply with reasonable requests for
21 information from Complainant, in violation of ER 1.4. Respondent further admits
22 that he failed to provide Complainant with a full accounting regarding the retainer
23 despite Mr. Complainant's repeated requests for such a full accounting, in
24 violation of ER 1.15(b). Respondent further admits that he failed, upon
25

1 termination of the representation, to take steps to protect Complainant's interests
2 by failing to refund the unearned portion of the retainer, in violation of ER
3 1.16(d). Respondent further admits that he failed to properly supervise his non-
4 attorney staff, in violation of ER 5.3. Respondent further admits that he failed to
5 maintain complete records of the handling, maintenance and disposition of all
6 funds that came into his possession that came from Complainant, in violation of
7 Rule 43(a). Respondent further admits that he failed to safeguard client property
8 by failing to promptly pay to Complainant the unearned portion of the retainer at
9 the termination of the representation, in violation of Rule 44(b)(4). Respondent
10 further admits that, he failed, albeit unintentionally, to furnish information or
11 respond promptly to any inquiry or request from Bar Counsel made pursuant to
12 the disciplinary rules for information relevant to the complaint that was under
13 investigation by the State Bar, in violation of Rule 51(h).

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16
17 The following are the Ethical Rules ("ER's") Respondent conditionally
18 admits:
19

20	ER 1.4	1 violation
21	ER 1.7(b)	1 violation
22	ER 1.15(b)	1 violation
23	ER 1.16(d)	1 violation
24	ER 5.3	1 violation
25		

1 ER 8.4(d) 1 violation

2 Rule 43(a) 1 violation

3 Rule 44(b)(4) 1 violation

4 Rule 51(h) 1 violation

5
6 The following are ERs charged but that the State Bar is conditionally
7 dismissing:

8 ER 1.1 1 violation

9 ER 1.2 1 violation

10 ER 1.3 1 violation

11 ER 1.5 1 violation

12 ER 8.1(b) 1 violation

13 ER 8.4(c) 1 violation

14 Rule 51(i) 1 violation

15
16
17 **SANCTIONS**

18
19 Respondent and the State Bar agree that on the basis of the conditional
20 admissions contained herein, the appropriate disciplinary sanction is as follows:

21 a. Respondent shall be suspended from the practice of law in Arizona for a
22 period of sixty (60) days;

23
24 b. Respondent shall receive a term of probation for two (2) years to
25 include entering into a LOMAP and a MAP contract requiring him to

1 participate in a course of treatment as developed by the Director of
2 MAP and Respondent's therapist. Respondent shall, within thirty (30)
3 days of the Supreme Court's final judgment and order, contact the
4 director of the State Bar's Law Office Management Assistance Program
5 (LOMAP) to schedule an audit of his law office. The LOMAP director
6 or her designee will conduct an audit of Respondent's law office no
7 later than sixty (60) days thereafter. Following the audit, Respondent
8 shall enter into a Memorandum of Understanding that will be effective
9 for a period of two years from the date upon which all parties have
10 signed the Memorandum. The State Bar will notify the Disciplinary
11 Clerk of the date the Memorandum is fully executed. Respondent shall
12 comply with all recommendations of the LOMAP director or her
13 designee.

14 d. Respondent shall pay all costs and expenses incurred by the State Bar
15 of Arizona in bringing these disciplinary proceedings against
16 Respondent, including all costs and expenses incurred by the
17 Disciplinary Commission, the Supreme Court, and the Disciplinary
18 Clerk's Office in this matter. A copy of the Statement of Costs is
19 attached hereto.
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1 e. Respondent shall refrain from any conduct that would violate the Rules
2 of Professional Conduct or other rules of the Supreme Court of Arizona.
3
4 f. In the event Respondent fails to comply with any of the foregoing
5 terms, and information thereof is received by the State Bar of Arizona,
6 Bar Counsel shall file a Notice of Noncompliance with the imposing
7 entity pursuant to Rule 52(6)(C), Ariz.R.S.Ct. The matter may be
8 referred to a hearing officer to conduct a hearing at the earliest practical
9 date, but in no event more than thirty (30) days following receipt of said
10 Notice. If the matter is referred to a hearing officer, the hearing officer
11 shall determine whether the terms of probation have been breached and,
12 if so, recommend appropriate action and response to such breach. If
13 there is an allegation that Respondent failed to comply with any of the
14 foregoing terms, the burden of proof shall be on the State Bar of
15 Arizona to prove noncompliance by a preponderance of the evidence.
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19 **By entering into this Agreement, Respondent waives his right to a**
20 **formal disciplinary hearing, pursuant to Rule 53(c)(6), Ariz.R.S.Ct., and the**
21 **right to testify or present witnesses on his behalf at a hearing. Respondent**
22 **further waives all motions, defenses, objections, or requests which he has**
23 **made or raised, or could assert hereinafter if the conditional admissions and**
24 **stated form of discipline are approved. Respondent is represented by**
25

1 counsel in these proceedings. Respondent acknowledges that he has read this
2 Agreement and has received a copy of it. Respondent submits this
3 Agreement with conditional admissions, freely and voluntarily and without
4 coercion or intimidation and is aware of his need to comply with Rule 63,
5 Ariz.R.S.Ct., and his need to apply for reinstatement pursuant to Rules 71
6 and 72, Ariz.R.S.Ct.
7

8
9 This Tender of Admissions and Agreement for Discipline by Consent will
10 be submitted to the Disciplinary Commission for approval. Respondent realizes
11 that the Commission may request his presence at a hearing for presentation of
12 evidence and/or argument in support of this Agreement. He further recognizes
13 that the Commission may recommend rejection of this Agreement. He further
14 understands that if the Disciplinary Commission approves this Agreement, such
15 approval shall be final; if the Agreement is rejected, his conditional admissions
16 are withdrawn.
17

18
19 Dated this 4th day of August, 2003

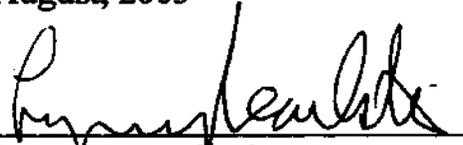
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21 STATE BAR OF ARIZONA

22 

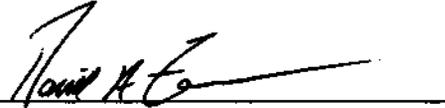
23 _____
24 Robert A. Clancy, Jr.
25 Staff Bar Counsel

1 This agreement, with conditional admission(s), is submitted freely and
2 voluntarily and not under coercion or intimidation. I am aware of the Rules of the
3 Supreme Court with respect to discipline and reinstatement.
4

5 Dated this 4th day of August, 2003

6 
7
8 Lynn M. Pearlstein
9 Respondent

10 Dated this 4th day of August, 2003

11 
12 Daniel A. Zanon
13 Counsel for Respondent

14 Approved as to form and content

15
16 _____
17 Robert Van Wyck
18 Chief Bar Counsel

19 **Original** filed with the Disciplinary Clerk
20 this ____ day of May, 2003.

21 by _____

22 Copy of the foregoing mailed via first class mail
23 this _____ day of May, 2003, to:

24 Stephen L. Weiss
25 Hearing Officer 9Z
P.O. Box 36940
Phoenix, Arizona 85067-6940

1 Approved as to form and content

2 
3 _____

4 Robert Van Wyck
5 Chief Bar Counsel

6 Original filed with the Disciplinary Clerk
7 this 4th day of August, 2003.

8 by Super Boardman

9 Copy of the foregoing mailed via first class mail
10 this 4th day of August, 2003, to:

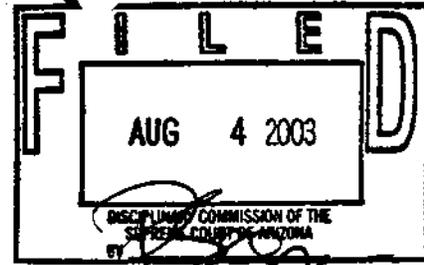
11 Stephen L. Weiss
12 Hearing Officer 9Z
13 P.O. Box 36940
14 Phoenix, Arizona 85067-6940

15 Daniel A. Zanon
16 Shughart & Zanon
17 11801 North Tatum Boulevard, Ste. 247
18 Phoenix, Arizona 85028-1613
19 Respondent's Counsel

20 Copy of the foregoing hand-delivered
21 this 4th day of August, 2003, to:

22 Dee Steadman
23 Lawyer Regulation Records Manager
24 State Bar of Arizona
25 111 West Monroe, Suite 1800
Phoenix, Arizona 85003-1742

by Super Boardman
RAC:lb



1 Robert A. Clancy, Jr., Bar No. 016424
2 Staff Bar Counsel
3 State Bar of Arizona
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6 Telephone (602) 340-7244

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

9 IN THE MATTER OF A MEMBER) Nos. 01-1005 and 02-1359
10 OF THE STATE BAR OF ARIZONA,)
11) **JOINT MEMORANDUM IN**
12) **SUPPORT OF TENDER OF**
13) **ADMISSIONS AND AGREEMENT**
14) **FOR DISCIPLINE BY CONSENT**
15)
16) **Respondent.**) (Assigned to Hearing Officer 9Z)

17 The State Bar of Arizona and Respondent, Lynn M. Pearlstein, by and
18 through counsel undersigned, hereby submit their Joint Memorandum in Support of
19 the Agreement for Discipline by Consent, filed contemporaneously herewith.

20 **SANCTION**

21 Respondent and the State Bar of Arizona ("State Bar") agree that on the
22 basis of the conditional admissions contained in the Tender of Admissions and
23 Agreement for Discipline by Consent, the appropriate disciplinary sanction is as
24 follows:

25 Respondent shall be suspended from the practice of law for a period of sixty
(60) days; Respondent shall receive a term of probation for two (2) years to include

1 entering into a LOMAP and a MAP contract requiring him to participate in a course
2 of treatment as developed by the Director of MAP and Respondent's therapist;
3 Respondent shall pay all costs and expenses incurred by the State Bar in bringing
4 these disciplinary proceedings against Respondent, including all costs and expenses
5 incurred by the Disciplinary Commission, the Supreme Court, and the Disciplinary
6 Clerk's Office in this matter; Respondent shall refrain from any conduct that would
7 violate the Rules of Professional Conduct or other rules of the Supreme Court of
8 Arizona. In fact, Respondent has already consulted with Dr. Marcus Earl and Dr.
9 David Jeckman of Psychological Counseling Services, and is currently scheduled
10 for counseling services with Dr. Jeckman to commence within the next week.
11
12

13
14 The purpose of lawyer discipline is not to punish the lawyer, but to protect
15 the public, deter future misconduct, and instill public confidence in the Bar's
16 integrity. In re Horwitz, 180 Ariz. 20, 28-29, 818 P.2d 352 (1994); In re
17 Fioramonti, 176 Ariz. 182, 187, 859 P.2d 1315 (1993); In re Murray, 159 Ariz.
18 280, 282, 767 P.2d 1 (1989). Further, in imposing discipline it is appropriate to
19 consider the facts of the case, the American Bar Association *Standards for*
20 *Imposing Lawyer Sanctions* (1991, with 1992 amendments) ("ABA Standards")
21 and the proportionality of discipline imposed in analogous cases. In re Bowen,
22 178 Ariz. 283, 286, 872 P.2d 1235 (1994); In re Fioramonti, 176 Ariz. at 187,
23 859 P.2d 1315 (1993); In re Murray, 159 Ariz. 280, 767 P.2d 1 (1989); In re
24
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1 Rivkind, 164 Ariz. 154 (1990); In re Tarletz, 163 Ariz. 548, 554, 798 P.2d 381
2 (1990); In re Ockrassa, 165 Ariz. 576, 579-580, 799 P.2d 1350 (1990).
3
4

5 ABA STANDARDS

6 According to the ABA Standards and In re Cassalia, 173 Ariz. 372, 843
7 P.2d 654 (1992), where there are multiple acts of misconduct, the Respondent
8 should receive one sanction consistent with the most serious instance of
9 misconduct, and the other acts should be considered as aggravating factors.
10

11 In this case, Respondent's most serious ethical violation involved his
12 inappropriate and unwelcomed conduct of a sexual nature toward his client.
13

14 ABA Standard 4.32 provides that "(s)uspension is generally appropriate
15 when a lawyer knows of a conflict of interest and does not fully disclose to a client
16 the possible effect of the conflict, and causes injury or potential injury to a client."
17 The actual injury is apparent: Respondent's client was subject to his inappropriate
18 behavior. Any unwelcome behavior by an attorney during the attorney/client
19 relationship, verbal or otherwise, is inherently harmful to the client. The potential
20 injury in this case is equally obvious: Respondent put his own interests above
21 those of his client.
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1
2 2. Aggravating factors include:

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4 9.21(b) dishonest or selfish motive-Respondent placed his interests
5 in a personal relationship with Complainant to the detriment of their
6 attorney/client relationship.

7
8 9.21(c) pattern of misconduct-Respondent engaged in repeated
9 instances of inappropriate conduct in the presence of Complainant.

10 9.21(g) refusal to acknowledge the wrongful nature of his conduct-
11 Respondent did not acknowledge the wrongful nature of his conduct until after a
12 formal complaint was filed, and after he retained counsel.²

13
14 9.21(h) vulnerability of victim-Complainant was his client. As
15 such, there was an inherent inequality of power between the two.

16 9.21(i) substantial experience in the practice of law-Respondent has
17 been admitted to practice in Arizona since September 20, 1969.
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² Respondent does not believe this aggravating factor is present.

1 The State Bar of Arizona does not believe that there is sufficient
2 mitigation to lower the presumptive sanction. In fact, the State Bar believes that
3 any mitigation Respondent proves is outweighed by the aggravating factors,
4 including Respondent's other ethical violations in this matter. Therefore the Bar
5 believes that a hearing officer would likely impose a longer suspension than that
6 contemplated by the parties.
7

8 PROPORTIONALITY ANALYSIS 9

10 There are currently four (4) Arizona cases which have dealt with
11 inappropriate sexual conduct by attorneys.³ These cases are Matter of Piatt, 191
12 Ariz. 24, 951 P.2d 889 (1997), Matter of Walker, 200 Ariz. 155, 24 P.3d 602
13 (2001), Matter of Moore, SB-02-0043-D (2002), and most recently, Matter of
14 Marquez, SB-0072-D (2003).
15

16 In Matter of Piatt, 191 Ariz. 24, 951 P.2d 889 (1997) the attorney
17 made improper sexual advances to two female clients in violation of ER 1.7. A
18 split Disciplinary Commission recommended that Piatt be censured, participate
19 in MAP, successfully complete a counseling program, and be placed on
20 probation for one year. The Commission stated that although it was disturbed by
21 Piatt's behavior, the fact that it was a case of first impression was a mitigating
22
23

24 ³ In July, the Disciplinary Commission heard oral argument on a consent agreement in
25 which the attorney agreed to a four (4) month suspension for criminal sexual conduct
with a minor. The Commission's decision is still pending in this fifth case involving
attorney sexual misconduct.

1 factor. Ultimately, the Supreme Court censured Piatt for his conduct. Two
2 factors resulted in Piatt's relatively light sanction: (1) the Disciplinary
3 Commission was treading lightly because it was a case of first impression and (2)
4 the Supreme Court did not want to appear to be punishing Piatt for exercising his
5 right of appeal.⁴ Of course, neither of these factors is present in the instant case.

7 In Matter of Walker, 200 Ariz. 155, 24 P.3d 602 (2001), the Respondent
8 attorney attempted to engage in a sexual relationship with a client, and touched
9 her breasts on one occasion. The Disciplinary Commission recommended a
10 ninety (90) day suspension for violations of ER 1.7 and 8.4. However, our
11 Supreme Court reduced the sanction to a censure finding that there was
12 significant mitigation. In its discussion of the significant mitigation present in
13 the case, the Court specifically noted that the hearing officer's findings regarding
14 credibility favored Walker's claim that the sexual contact was consensual, and
15 there was no finding to the contrary. Additionally, the Court found that Walker's
16 aberrant conduct was not likely to be repeated. Further, the Court found that
17 Walker had been publicly and personally humiliated by being handcuffed and
18 arrested in his office, prosecuted for sexual indecency and prostitution, forced to
19 participate in a diversion program, and the charges against him were made public
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25 ⁴ The only reason Piatt was not suspended was because the Court did not wish to "up the ante" on him where the Commission recommendation was not appealed.

1 by the local press. The Court also found significant the fact that he personally
2 paid \$2,500 toward the \$50,000 settlement of the malpractice action brought by
3 his client.
4

5 Unlike Walker, Respondent's unwelcome conduct was not consensual.
6 Complainant repeatedly told Respondent that his behavior was unwelcome, and
7 still Respondent persisted. Unlike Walker, there is every indication that
8 Respondent's conduct was not an isolated incident. Finally, unlike Walker,
9 Respondent cannot demonstrate that he suffered the public and/or personal
10 humiliation Walker endured, a mitigating factor the Commission considered
11 important when deciding to censure Walker.
12

13
14 Matter of Moore, SB-02-0043-D (2002) is distinguishable from the instant
15 matter as well. Unlike Moore, Respondent had actual knowledge that his
16 conduct was unwelcome, but persisted anyway.
17

18 Most recently, in Matter of Marquez, SB-03-0072-D(2003) the attorney
19 was suspended for a period of thirty (30) days for conduct less egregious than
20 that of the Respondent in this matter. Marquez made inappropriate and
21 unwelcome advances to an opposing party. However, unlike Marquez, the
22 instant matter contains an additional count, which supports the longer
23 suspension.
24
25

1 It is also important to note that the State Bar has consistently advocated
2 that conduct such as Respondent's should result in a suspension from the practice
3 of law. This position is supported by the case law from other jurisdictions.⁵ In
4 the Matter of Walker, the State Bar argued that if the hearing officer determined
5 that the touching was not consensual, then Walker should be given a long-term
6 suspension or disbarred. Thus, far from taking a *harsher* stance in this case, the
7 State Bar is agreeing to a *lesser* sanction than it has requested in other matters.
8
9

10 CONCLUSION

11 Our Supreme Court has made it clear that the discipline in each case must
12 be tailored for the individual case as neither perfection nor absolute uniformity
13 can be achieved. Matter of Riley, 142 Ariz. 604, 615 (1984). As demonstrated
14 above, other Arizona cases involving inappropriate sexual conduct by an attorney
15 are factually distinguishable from the instant case. Respondent's conduct in this
16 matter is sufficiently more egregious than the conduct in the other cases.
17
18 Therefore a sanction consisting of a sixty (60) day suspension is appropriate and
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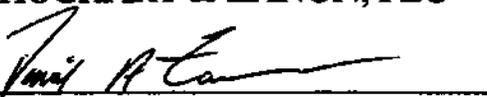
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22 ⁵See State ex rel. Oklahoma Bar Association v. Miskovsky, 938 P.2d 744, 745 (Okla. 1997)
23 (Attorney suspended for sixty days for two counts of sexual misconduct involving separate
24 instances of sexually explicit and inappropriate language with women who sought
25 representation in divorce proceedings); see also In re Rinella, 175 Ill.2d 504, 677 N.E.2d
909 (Ill. 1997) (three year suspension warranted for using position to gain sexual favors
from clients, and for lying to the disciplinary commission); In re Gilbert, 194 A.D.2d 262,
262-263, 606 N.Y.S.2d 478 (N.Y.App.Div. 1993) (one year suspension warranted for
extortion of sexual favors from two clients and sexually inappropriate comments toward
coworkers).

1 DATED this 4th day of August, 2003.

2 
3 _____
4 Lynn M. Pearlstein,
Respondent

5 DATED this 4th day of August, 2003.

6 SHUGHART & ZANON, PLC

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9 Daniel A. Zanon
Attorney for Respondent

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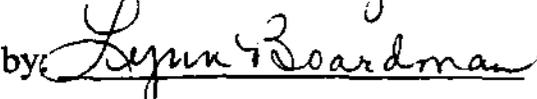
2 STATE BAR OF ARIZONA

3
4 
5 Robert A. Clancy, Jr.
6 Staff Bar Counsel

7 Approved as to form and content:

8 
9 Robert B. Van Wyck

10 Original filed with the Disciplinary Clerk
11 this 4th day of August, 2003.

12 by: 

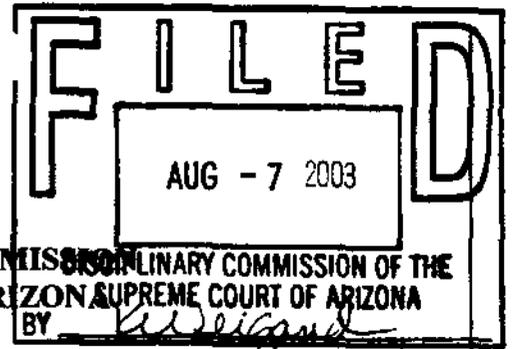
13 Copy of the forgoing was mailed via first
14 class mail this 4th day of August,
2003, to:

15 Daniel A. Zanon
16 Shughart & Zanon, PLC
17 11801 N. Tatum Blvd., Suite 247
18 Phoenix, Arizona 85028-1613
Attorney for Respondent

19 Copy of the foregoing was hand delivered
20 this 7th day of August, 2003, to:

21 Dee Steadman
22 Lawyer Regulation Records Manager
23 State Bar of Arizona
24 111 West Monroe, Suite 1800
25 Phoenix, Arizona 85003-1742

by: 
RAC:lb



BEFORE THE DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
LYNN M. PEARLSTEIN,)
Bar No. 002374)
RESPONDENT.)

Nos. 01-1005, 02-1359

NOTICE

A Tender of Admissions and Agreement for Discipline by Consent and Joint Memorandum in Support of Agreement for Discipline by Consent having been filed and served,

NOTICE IS HEREBY GIVEN that no hearing having been held, there is no transcript of proceedings or exhibits filed, pursuant to Rule 53(c)10, Ariz. R. S. Ct.

The Disciplinary Commission having requested oral argument,

NOTICE IS HEREBY FURTHER GIVEN that oral argument in the above-captioned matter has been set for **Saturday, October 18, 2003, at 11:30 a.m., at the Supreme Court of Arizona, 1501 West Washington, 4th Floor, Phoenix, AZ.**

Oral argument will be limited to ten (10) minutes for the State Bar, and ten (10) minutes for the Respondent. The presence of all parties, including Respondent, is required.

DATED this 7th day of August, 2003.

Douglas M. Brooks
Douglas M. Brooks
Disciplinary Clerk

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Original filed with the Disciplinary Clerk
this 7th day of August, 2003.

Copy of the foregoing mailed
this 7th day of August, 2003, to:

Stephen L. Weiss
Hearing Officer 9Z
P.O.Box 36940
Phoenix, AZ 85067-6940

Daniel A. Zanon
Respondent's Counsel
Shughart & Zanon, P.L.C.
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Copy of the foregoing hand-delivered
this 7th day of August, 2003, to:

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by: *K. Weigand*
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