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2 **BEFORE A HEARING OFFICER**  
3 **OF THE SUPREME COURT OF ARIZONA**

4 IN THE MATTER OF A DISBARRED MEMBER  
5 OF THE STATE BAR OF ARIZONA,

6 **ARLA H. BLASINGIM-STENZEL,**  
7 **Bar No. 011878**

8 RESPONDENT.

Nos. 02-0763, 02-0830, 02-1111,  
02-1283, 02-1284, 02-1482,  
02-1513, 02-1594, 02-1840,  
02-1984, 02-2105, 02-2401,  
02-2456, 02-2510, 03-0143,  
03-0218, 03-0270, 03-0271,  
03-0281, 03-0287, 03-0311,  
03-0317, 03-0369, 03-0370,  
03-0390, 03-0445, 03-0454,  
03-0455, 03-0463, 03-0409,  
03-0410, 03-0424, 03-0481,  
03-0504, 03-0528, 03-0533

11 **HEARING OFFICER'S REPORT**  
12 **AND RECOMMENDATION**

13  
14 **PROCEDURAL HISTORY**

15 The State Bar in this matter filed a 36 count Complaint on June 11, 2003. That  
16 Complaint was served on Respondent by certified restricted mail and regular first class mail as  
17 provided for in the Rules of the Supreme Court on June 13, 2003.. Respondent failed to file an  
18 Answer or otherwise defend. As such, a default was entered in this matter on August 13, 2003.  
19 The allegations in the Complaint therefore are deemed admitted. Neither party requested to be  
20 heard in aggravation or mitigation. On September 3, 2003, the parties were ordered to file  
21 simultaneous memoranda on or before October 3, 2003. The State Bar filed its Post-Hearing  
22 Memoranda on October 1, 2003. Respondent did not file anything.  
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1 **FINDINGS OF FACT**

2 The facts listed below are those set forth in the State Bar’s Complaint, and were deemed  
3 admitted by way of Respondent’s Default.

4 **COUNT ONE (File No. 02-0763 Foley)**

- 5 1. On June 18, 1997, Sean Foley retained Respondent in contemplation of filing a  
6 Chapter 7 bankruptcy case.
- 7 2. Mr. Foley paid Respondent a retainer of \$725.00 with the written agreement that if  
8 Mr. Foley did not go through with the bankruptcy, Respondent would refund all  
9 but \$100.00 to Mr. Foley.
- 10 3. On March 6, 2001, Mr. Foley wrote to Respondent terminating her services and  
11 specifically asking for the balance of his retainer to be returned to him.  
12 Respondent did not respond to Mr. Foley’s letter.
- 13 4. On April 30, 2001, Mr. Foley faxed a copy of his March 6, 2001, letter to  
14 Respondent, again requesting a refund of the balance of his retainer and noting that  
15 neither Respondent nor her office had contacted him.
- 16 5. On May 16, 2001, Respondent wrote to Mr. Foley and returned a check for  
17 \$175.00 claiming that she had earned the remainder of the case stating  
18 “[T]echnically, I have spent three times longer on your case than I would have if  
19 you had proceeded with this . . .”
- 20 6. On April 1, 2002, Mr. Foley sent a certified letter to Respondent again requesting  
21 the return of his retainer as well as his files. Respondent did not respond to Mr.  
22 Foley, did not return any additional funds, or his file.  
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1           7.     By letter dated May 8, 2003, the State Bar informed Respondent of Mr. Foley's  
2           allegations concerning her professional conduct. The letter was sent to  
3           Respondent's address of record with the State Bar Membership Department as  
4           well as a new address learned of in another proceeding, requesting that  
5           Respondent respond in writing within twenty days of the date of the letter.  
6           Respondent failed to file a response in this matter.

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8     **COUNT TWO (File No. 02-0830 Cole)**

9           8.     On or about August 14, 2001, Calvin and Michelle Cole met with Respondent to  
10          discuss filing bankruptcy. During the meeting, Respondent advised the Coles to  
11          file for Chapter 7 protection and provided advice concerning what to do with  
12          their assets, including their 401K accounts, prior to filing. Respondent  
13          provided a packet of information for the Coles to prepare.

14          9.     Respondent advised the Coles to close out their 401K plans and turn over the  
15          funds to Respondent and Respondent would then use funds to pay off debts as  
16          instructed by the Coles.

17          10.    On the packet given to the Coles, Respondent noted that her fee would be  
18          \$950.00 to file the bankruptcy and an additional \$750.00 for planning fees for a  
19          total of \$1,700.00.

20          11.    On August 27, 2001, the Coles sent Respondent a retainer of \$200.00.  
21          According to the Coles, they never signed a fee agreement with Respondent.

22          12.    On November 12, 2001, Mr. Cole received a partial distribution from one of his  
23          401Ks in the amount of \$5,959.70 and signed it over to Respondent on  
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1 November 30, 2001. Respondent deposited the amount in her trust account on  
2 December 4, 2001.

3 13. On December 12, 2001, Mr. Cole met with Respondent to go over the completed  
4 bankruptcy packet. Respondent then told Mr. Cole that, based on their income,  
5 the Coles needed to file for Chapter 13 protection. According to Mr. Cole,  
6 Respondent had the information concerning their income at the time she  
7 recommended filing for Chapter 7 protection and knew the Coles did not want to  
8 file for Chapter 13 protection. However, based on Respondent's advice, Mr.  
9 Cole agreed to go forward with a Chapter 13 filing and was given another packet  
10 to prepare.  
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12 14. On or about January 3, 2002, Mrs. Cole met with Respondent for clarification as  
13 to why they needed to file a Chapter 13 instead of a Chapter 7 bankruptcy. At  
14 the conclusion of the meeting, Mrs. Cole was still unclear about the change in  
15 direction Respondent was recommending.

16 15. During the week of January 21, 2002, the Coles called Respondent's office  
17 several times requesting that checks be issued from the 401K funds to pay some  
18 debts and were told there were insufficient funds. Respondent informed the  
19 Coles that her fee for the Chapter 13 would be \$2,685.00.  
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21 16. On February 8, 2002, Mrs. Cole again contacted Respondent's office concerning  
22 the payment of some debts and was told there was only \$2,524.70 in the  
23 account. Mrs. Cole demanded to speak with Respondent. Respondent then  
24 informed Mrs. Cole that Respondent had already taken her fee of \$3,435.00 out  
25 of the account. Respondent told Mrs. Cole that the fee included \$2,685.00 to

1 file the Chapter 13 packet and an additional \$750.00 for the planning fee, which  
2 Respondent had not discussed with the Coles on January 21 when Respondent  
3 quoted her fee. Mrs. Cole demanded that Respondent give her the funds  
4 remaining in the trust account and Respondent's office gave Mrs. Cole \$2,524.70  
5 in cash.

6 17. On February 20, 2002, Mrs. Cole met with Laurie, Respondent's assistant.  
7 According to Mrs. Cole, another attorney had informed them that there was no  
8 need to liquidate their 401K plans as Respondent had instructed them to do.  
9 Laurie informed Mrs. Cole that she was a bankruptcy specialist and saw no  
10 reason why the Coles could not file for Chapter 7 protection and that the fee  
11 would only be \$1,700.00. Laurie told Mrs. Cole that she would speak to  
12 Respondent about refunding some of their money. Laurie also explained that  
13 the bankruptcy would not be filed on March 4, as stated by Respondent, because  
14 the paperwork would not be completed by that time. Laurie went on to state that  
15 Respondent was having some personal difficulties so Laurie would be handling  
16 the case.  
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18 18. On March 1, 2002, Mrs. Cole again spoke with Laurie who informed her that a  
19 letter had been mailed to the Coles regarding the outcome of her discussion  
20 about the file with Respondent. Laurie explained that Respondent was refusing  
21 to return any of the fees she had already taken. As of the date of the Coles filed  
22 their complaint with the State Bar in April 2002, the Coles had still not heard  
23 from Respondent.  
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1           19.    On March 18, 2002, Mrs. Cole again contacted Respondent's office to see when  
2                    the case would be filed and was told Respondent was very busy and would be  
3                    tied up for the next few months with other matters. Respondent never filed a  
4                    bankruptcy petition for the Coles.

5           20.    By letter dated May 10, 2002, the State Bar informed Respondent of the Coles'  
6                    allegations concerning her professional conduct. The letter was sent to  
7                    Respondent's address of record with the State Bar's Membership Department,  
8                    requesting that Respondent provide a response in writing within twenty days of  
9                    the date of the letter. Respondent failed to file a response in this matter.  
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11 **COUNT THREE (File No. 02-1111 Musser)**

12           21.    On March 26, 2002, Gary Musser retained Respondent to draw up settlement  
13                    documents for his company with two creditors. At that time, Mr. Musser paid  
14                    Respondent \$2,500.00.

15           22.    Mr. Musser had already reached an agreement with the creditors and simply  
16                    needed Respondent to put the terms of the agreement in writing.

17           23.    Respondent failed to contact the creditors, draft the agreement, or return Mr.  
18                    Musser's calls requesting information on the status of the matter.

19           24.    In mid-April, 2002, Respondent finally contacted Mr. Musser and blamed Mr.  
20                    Musser for ruining her settlement strategy. When Mr. Musser reminded  
21                    Respondent that the settlement had already been agreed to, Respondent  
22                    allegedly said that her tactic was to drag things out over time to make the other  
23                    party panic.  
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1           25.    After being unable to contact Respondent and obtain the settlement document,  
2           Mr. Musser called Respondent's office and terminated Respondent's services in  
3           late May or early June 2002. Mr. Musser was told by an employee of  
4           Respondent's that the settlement document was ready to be picked up. Mr.  
5           Musser told the employee it was too late and demanded that Respondent call  
6           him concerning a refund.

7           26.    Respondent neither called Mr. Musser nor returned any of Mr. Musser's money.

8           27.    By letter dated June 17, 2002, the State Bar informed Respondent of Mr.  
9           Musser's allegations concerning her professional conduct. The letter was sent to  
10          Respondent's address of record with the State Bar's Membership Department,  
11          requesting that Respondent provide a response in writing within twenty days of  
12          the date of the letter. Respondent failed to file a response in this matter.

13          28.    By letter dated August 1, 2002, the State Bar again wrote Respondent. The  
14          letter was sent to Respondent's address of record with the State Bar's  
15          Membership Department, referencing the June 17, 2002, letter. The State Bar  
16          again requested a written response to Mr. Musser's allegations and gave  
17          Respondent ten days to respond. Respondent again failed to file a response in  
18          this matter.

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21    **COUNT FOUR (File No. 02-1283 Jones)**

22          29.    On May 25, 2001, Norman Jones retained Respondent to file a quiet title action  
23          on property he owned in order to effectuate the sale of the property. At that  
24          time, Mr. Jones paid Respondent \$5,000.00.

1           30.    When Respondent was retained, Respondent told Mr. Jones that it would take no  
2                   longer than six months to get the matter concluded.

3           31.    Throughout the representation, Mr. Jones would call Respondent but was always  
4                   told Respondent was unavailable and Respondent would not return Mr. Jones'  
5                   calls.

6           32.    In or about the end of August, 2001, the service by publication was completed;  
7                   however, the first hearing date was set for March 2002.

8           33.    Respondent cancelled the March 2002 hearing as well as a subsequent hearing  
9                   set for the beginning of May 2002.

10          34.    As of June 26, 2002, the date Mr. Jones filed his complaint with the State Bar,  
11                   the matter had still not been resolved and no fees had been refunded.

12          35.    By letter dated July 9, 2002, the State Bar informed Respondent of Mr. Jones'  
13                   allegations concerning her professional conduct. The letter was sent to  
14                   Respondent's address of record with the State Bar's Membership Department,  
15                   requesting that Respondent provide a response in writing within twenty days of  
16                   the date of the letter. Respondent failed to file a response in this matter.  
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18   **COUNT FIVE (File No. 02-1284 Preston)**

19          36.    Respondent was retained by Mr. and Mrs. Preston to assist them in purchasing a  
20                   new home. On or about February 23, 2001, Mr. Preston deposited \$72,614.57  
21                   into Respondent's trust account, \$44,500.00 of which was to be paid to the  
22                   seller, Norman Jones, the Complainant in Count Three above.  
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1 37. On June 21, 2002, Mr. and Mrs. Preston called Respondent's office to request an  
2 accounting of their money held in Respondent's trust account. Respondent  
3 failed to respond to this request.

4 38. From approximately July through December 2002, despite repeated calls from  
5 the Prestons, Respondent failed to communicate with them.

6 39. A review of Respondent's trust account records for account number 0001512534  
7 reveals that the Prestons' funds are no longer in the account.

8 40. By letter dated July 9, 2002, the State Bar informed Respondent of the Prestons'  
9 allegations concerning her professional conduct. The letter was sent to  
10 Respondent's address of record with the State Bar's Membership Department,  
11 requesting that Respondent provide a response in writing within twenty days of  
12 the date of the letter. Respondent failed to file a response in this matter.  
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14 **COUNT SIX (File No. 02-1482 Shiflet)**

15 41. Dr. David Shiflet treated David Latunski, a client of Respondent, for injuries  
16 received in an automobile accident in November 1999. The treatments were  
17 completed in May 2001. Respondent was to pay Dr. Shiflet out of the proceeds  
18 of Mr. Latunski's settlement.

19 42. In August 2001, Dr. Shiflet's office changed locations.

20 43. On November 14, 2001, Dr. Shiflet's office called Respondent to inquire about  
21 the status of Mr. Lantunski's case and to notify Respondent of the office's new  
22 address. Respondent's office did not inform Dr. Shiflet's office about the status.  
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- 1           44.    On May 1, 2002, Mr. Latunski told Dr. Shiflet that the case had settled. Mr.  
2           Lantunski stated Respondent told him that she had mailed a check to Dr. Shiflet  
3           in December 2001, but that the check had not been cashed.
- 4           45.    Dr. Shiflet's office called Respondent's office and requested that a stop payment  
5           be placed on the original check and that a new one be issued. Dr. Shiflet's  
6           office verified that Respondent had the proper address to send the check to.
- 7           46.    Dr. Shiflet's office attempted to contact Respondent numerous times thereafter,  
8           but never was able to communicate with Respondent.
- 9           47.    On July 29, 2002, Dr. Shiflet filed a complaint with the State Bar regarding  
10          Respondent's professional conduct. As of that date, Dr. Shiflet had still not  
11          been paid, and the funds were not in Respondent's trust account.
- 12          48.    By letter dated August 12, 2002, the State Bar informed Respondent of Dr.  
13          Shiflet's allegations concerning her professional conduct. The letter was sent to  
14          Respondent's address of record with the State Bar's Membership Department  
15          requesting that Respondent provide a response in writing within twenty days of  
16          the date of the letter. The letter was returned by the U. S. Postal Service.
- 17          49.    The State Bar learned of a new address for Respondent and by letter dated  
18          August 30, 2002, the State Bar informed Respondent of Dr. Shiflet's allegations  
19          concerning her professional conduct. The letter was sent to a new address for  
20          Respondent, requesting that Respondent provide a response in writing within  
21          seven days of the date of the letter. Respondent failed to file a response in this  
22          matter.  
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1 **COUNT SEVEN (File No. 02-1513 Ahler)**

2 50. On September 15, 2001, Respondent wrote a check from her personal account  
3 for \$2,014.35 to Pier One. The check was returned for insufficient funds and  
4 Respondent failed, after receiving notice, to pay Pier One for the bad check.

5 51. On December 23, 2001, Respondent wrote a check from her IOLTA Trust  
6 Account to Metro Motorsports for personal items totaling \$678.40. The check  
7 was returned for insufficient funds and Respondent failed, after receiving notice,  
8 to pay Metro Motorsports for the bad check.

9 52. On July 9, 2002, Respondent was charged with a misdemeanor for violation of  
10 A.R.S. §13-1807 for issuing bad checks.

11 53. By letter dated August 30, 2002, the State Bar informed Respondent of the  
12 allegations concerning her professional conduct. The letter was sent to a new  
13 address for Respondent, requesting that Respondent provide a response in  
14 writing, along with specifically requested documents relating to her trust  
15 account, within ten days of the date of the letter. Respondent failed to file a  
16 response in this matter or produce the requested documents.

17 **COUNT EIGHT (File No. 02-1594 Hills)**

18 54. On January 4, 2002, Joseph Hills consulted with Respondent concerning his  
19 desire to set aside what Mr. Hill believed was the illegal sale of his home by a  
20 bankruptcy trustee.

21 55. On January 9, 2002, Mr. Hills retained Respondent. Respondent quoted a fee of  
22 \$6,500.00 for her services, \$3,250.00 in cash due then and the other half payable  
23 over the next six to eight weeks. The remaining \$3,250.00 of her fee would be  
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1 paid in Mr. Hills' services as he agreed to remodel Respondent's patio. Later  
2 that afternoon, Mr. Hills hand-delivered a cashier's check to Respondent in the  
3 amount of \$1,650.00.

4 56. When Respondent was retained by Mr. Hills, she promised to get subpoenas  
5 issued in order to obtain documents from the lender and the trustee to prepare  
6 for an upcoming hearing.

7 57. On January 14, 2002, Mr. Hills attempted to contact Respondent and was  
8 informed by Respondent's sister-in-law that Respondent was not there and that  
9 all of her employees had quit. Mr. Hills left a message for Respondent to call  
10 him, but Respondent did not call Mr. Hills back until approximately two weeks  
11 later.

12 58. Throughout the representation, Mr. Hills had difficulty communicating with  
13 Respondent. Mr. Hills would leave repeated messages for Respondent to call  
14 him, which Respondent failed to do. Mr. Hill was only able to speak with  
15 Respondent if he called the office and Respondent happened to be in. This  
16 occurred from January 2002 until Respondent's services were terminated.

17 59. Throughout the representation, Respondent was not diligent in moving the  
18 matter forward. Respondent requested two delays of the hearing date and failed  
19 to issue subpoenas until March 6, 2002, two days prior to the third hearing date.

20 60. According to Mr. Hills, Respondent appeared to be unprepared for the court  
21 hearings, often requesting documents and information on the eve of the  
22 hearings.  
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1           61.    On March 28, 2002, Mr. Hills went to Respondent's office to drop off  
2 documents and prepare for a hearing on April 2. Mr. Hills was uncomfortable  
3 about the case because Respondent had not explained what he could expect or  
4 what the strategy would be. At the conclusion of the meeting, Respondent's  
5 office manager, Laurie, came out and began berating Mr. Hills concerning his  
6 legal problems and the fact he still owed Respondent money. According to Mr.  
7 Hills, Respondent also became angry and told Mr. Hills that she had lunch with  
8 the judge assigned to the case and that the judge told Respondent she did not  
9 like Mr. Hills and that Mr. Hills was making Respondent do too much work on  
10 the case.  
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12           62.    Respondent appeared at the hearing on April 2, 2002 and had no contact with  
13 Mr. Hills other than a letter demanding payment and accusing Mr. Hills of what  
14 he called "falsehoods." At this point Mr. Hills decided he no longer wanted  
15 Respondent to represent him and attempted to retain another attorney.  
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17           63.    In anticipation of a hearing on July 29, 2002, Mr. Hills contacted Respondent  
18 and requested his file as he was terminating the representation and would be  
19 representing himself. Respondent agreed that if Mr. Hills would pay for the  
20 copies, she would drop them off at Kinko's for copying. Mr. Hills agreed to this  
21 arrangement.  
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23           64.    When Mr. Hills went to pick up his copies, he was informed that Respondent  
24 had not left his file at Kinko's to be copied. After numerous attempts, Mr. Hills  
25 made arrangements to review his file at Respondent's office due to an upcoming

1 hearing. Respondent then told Mr. Hills that the reason she did not have the file  
2 copied was that the job was too big for Kinko's.

3 65. On July 26, 2002, Mr. Hills went to Respondent's office to review his file. At  
4 that time, Respondent's assistant, Jan, had Mr. Hills sign a motion allowing  
5 Respondent to withdraw from Mr. Hills' case so that Mr. Hills could represent  
6 himself at the upcoming hearing.

7 66. On July 29, 2002, Mr. Hills appeared before the Honorable Sarah Curley to  
8 represent himself at the hearing. Mr. Hills had supplied a copy of the Motion to  
9 Withdraw to Judge Curley's staff, as the filed motion was not in the court's file.  
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11 67. Judge Curley then called Respondent on the telephone and asked her about the  
12 motion to withdraw. According to Mr. Hills, Respondent then proceeded to  
13 testify untruthfully about the reasons she was withdrawing, stating Respondent  
14 had been attempting to withdraw since early May because Mr. Hills had  
15 requested Respondent do things that were morally and ethically wrong and that  
16 Respondent was afraid of Mr. Hills. Judge Curley ruled that Respondent could  
17 not withdraw and ordered her to appear.

18 68. Respondent was unprepared for the hearing and was unfamiliar with the case,  
19 despite having allegedly spent a large amount of time on the case.  
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21 69. By letter dated September 3, 2002, the State Bar informed Respondent of Mr.  
22 Hills' allegations concerning her professional conduct. The letter was sent to  
23 Respondent's new address, which had not been given to the State Bar's  
24 Membership Records Department, requesting that Respondent provide a  
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1 response in writing within twenty days of the date of the letter. Respondent  
2 failed to file a response in this matter.

3 **COUNT NINE (File No. 02-1840 Coleman)**

4 70. On November 14, 2001, Heather Coleman retained Respondent to assist her  
5 with a tax matter. Ms. Coleman paid Respondent a \$1,000.00 retainer.

6 71. During the course of the representation, which lasted ten months, Ms. Coleman  
7 had difficulty in communicating with Respondent and was only contacted by  
8 Respondent once.

9 72. On September 16, 2002, Ms. Coleman terminated Respondent's services due to  
10 Respondent's inaction and lack of communication. Ms. Coleman requested the  
11 return of her file and her money from Respondent. Respondent has failed to  
12 provide an accounting or return the unearned portion of Ms. Coleman's retainer.  
13 Respondent has failed to return Ms. Coleman's file as requested.

14 73. By letter dated October 1, 2002, the State Bar informed Respondent of Ms.  
15 Coleman's allegations concerning her professional conduct. The letter was sent  
16 to Respondent's address of record with the State Bar Membership Department,  
17 requesting that Respondent provide a response in writing within twenty days of  
18 the date of the letter. Respondent failed to respond to the letter.  
19

20 **COUNT TEN (File No. 02-1984 Messina)**

21 74. In 1997, Vito Messina and his family were injured in an automobile accident  
22 and retained Respondent to represent them.  
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- 1           75.    The Messanas were able to settle with the other driver's insurance company for  
2           a total of \$20,500.00. The Messanas also received a \$10,000.00 medical  
3           payment from Mr. Messana's insurance company.
- 4           76.    These amounts were insufficient to cover the medical bills for the injury and  
5           subsequent therapy. On Respondent's advice, the Messanas sued their insurance  
6           company for the underinsured motorist coverage that Mr. Messana carried.
- 7           77.    The Messanas settled with their insurance company for \$50,000.00 at the end of  
8           June 2002. On June 27, 2002, Respondent met with Mr. and Mrs. Messana to  
9           sign and deposit the settlement checks. Respondent told the Messanas that it  
10          would take three to four weeks to settle their account, as there were several  
11          outstanding medical liens that needed to be dealt with.
- 12          78.    Beginning in mid-August of 2002, Mr. Messana called Respondent to obtain an  
13          accounting of the settlement funds being held by Respondent. Respondent did  
14          not respond to any of Mr. Messana's telephone calls.
- 15          79.    On September 12, 2002, the Messanas wrote Respondent and requested the  
16          information concerning the medical liens and informed Respondent that the  
17          Messanas were still receiving letters from the medical providers that the liens  
18          had not been paid.
- 19          80.    On or about September 27, 2002, the Messanas received a four-page letter from  
20          Respondent, claiming their case was being worked on. Respondent went on to  
21          state she was having problems with office staff and had other clients who  
22          needed their money more than the Messanas did, referencing the fact the  
23          Messanas had \$110,000.00 in a bank account.
- 24          25

1 81. The Messanas have not received an accounting of their settlement proceeds from  
2 Respondent, despite their requests for an accounting of the funds.

3 82. By letter dated October 24, 2002, the State Bar informed Respondent of the  
4 Messanas' allegations concerning her professional conduct. The letter was sent  
5 to Respondent's address of record with the State Bar of Arizona, requesting that  
6 Respondent provide a response in writing within twenty days of the date of the  
7 letter. Respondent failed to file a response in this matter.  
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9 **COUNT ELEVEN (File No. 02-2105 Hanashiro)**

10 83. Olga Hall was involved in an automobile accident that occurred in January  
11 1996.

12 84. Respondent was retained to represent Mrs. Hall in the subsequent personal  
13 injury matter.

14 85. Mrs. Hall's daughter, Maxine Hanashiro, is the successor trustee of Ms. Hall's  
15 trust and handles many of Mrs. Hall's affairs.

16 86. In September 2000, Respondent settled Mrs. Hall's personal injury claim for  
17 \$12,000.00, and Mrs. Hall signed the settlement document and endorsed the  
18 settlement check.

19 87. It was Ms. Hanashiro and Mrs. Hall's understanding that Respondent would pay  
20 off the medical liens from the settlement proceeds.

21 88. Ms. Hanashiro learned that Respondent had not reimbursed Medicare for the  
22 amounts paid out for Mrs. Hall from the settlement funds.  
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1 89. Despite numerous requests to provide an accounting concerning the status of the  
2 settlement proceeds Respondent failed to respond or communicate with Ms.  
3 Hanashiro.

4 90. By letter dated November 22, 2002, the State Bar informed Respondent of Ms.  
5 Hanashiro's allegations concerning her professional conduct. The letter was  
6 sent to Respondent's address of record with the State Bar, requesting that  
7 Respondent provide a response in writing within twenty days of the date of the  
8 letter. Respondent failed to file a response in this matter.  
9

10 **COUNT TWELVE (File No. 02-2401 Williams)**

11 91. On September 1, 2001, Elizabeth Williams retained Respondent to handle a  
12 probate matter involving the proceeds from the sale of her deceased mother's  
13 house, which were being held in trust by a title company. The amount in trust  
14 was \$37,00.00.

15 92. On or about November 1, 2002, Ms. Williams received \$236.00 from  
16 Respondent as an advance against Ms. Williams' portion of her mother's estate.

17 93. Although no fee agreement was signed, according to Ms. Williams, Respondent  
18 stated Ms. Williams would receive \$18,000.00 of the \$37,000.00 when the case  
19 settled. Respondent failed to explain what her fees were based upon to Mrs.  
20 Williams.  
21

22 94. Respondent failed to complete the probate work for Ms. Williams.

23 95. Respondent received the proceeds from the house sale and placed them in her  
24 trust account, but has only released \$2,000.00 of the \$37,000.00 to Ms.  
25 Williams.

1 96. Despite Ms. Williams' request, Respondent failed to provide an accounting of  
2 the proceeds held in her trust account.

3 97. By letter dated December 20, 2002, the State Bar informed Respondent of Ms.  
4 Williams' allegations concerning her professional conduct. The letter was sent  
5 to Respondent's address of record with the State Bar Membership Department,  
6 requesting that Respondent provide a response in writing within twenty days of  
7 the date of the letter. Respondent failed to file a response in this matter.

8  
9 98. By letter dated January 16, 2003, the State Bar again wrote Respondent at her  
10 address of record with the State Bar Membership Department referencing the  
11 December 20, 2002, letter. The State Bar again requested a written response to  
12 Ms. Williams' allegations and gave Respondent ten days to respond. Respondent  
13 failed to file a response in this matter.

14 **COUNT THIRTEEN (File No. 02-2456 Bennett)**

15 99. Martha Bennett contacted Respondent's office concerning a letter she received  
16 from an attorney regarding a real estate and probate matter. According to Mrs.  
17 Bennett, Respondent's office staff told her there would be no charge for the  
18 initial consultation with Respondent.

19  
20 100. According to Mrs. Bennett, Respondent failed to show for the first appointment  
21 and conducted the second scheduled appointment telephonically as Respondent  
22 was not in the office for the scheduled appointment.

23 101. Respondent then contacted Mr. Mull, the attorney who had sent the letter to Mrs.  
24 Bennett. Respondent then informed Mrs. Bennett that as a courtesy, Respondent  
25 would hold the original will of Mrs. Bennett's late husband for pick up by Mr.

1 Mull's courier. The will was to be filed in Superior Court and a copy returned to  
2 Mrs. Bennett. Mrs. Bennett specifically informed Respondent she did not want  
3 the original will mailed under any circumstances and that she be provided a  
4 copy of the will. Respondent mailed the will to Mr. Mull.

5 102. Mrs. Bennett called Respondent several times over the next two weeks to  
6 determine where the will was because she had not received the original or a  
7 copy. At this time, Mrs. Bennett was told she would be charged for the  
8 telephone calls. Mrs. Bennett had not signed a fee agreement or been provided a  
9 fee sheet. Respondent subsequently sent Mrs. Bennett a bill for \$250.00.

10 103. Mrs. Bennett contacted Respondent's office and requested an itemized statement  
11 for the fees. Respondent never supplied such an itemized statement or the  
12 original will or a copy of the will.

13 104. By letter dated December 26, 2002, the State Bar informed Respondent of Mrs.  
14 Bennett's allegations concerning her professional conduct. The letter was sent to  
15 Respondent's address of record with the State Bar Membership Department,  
16 requesting that Respondent provide a response in writing within twenty days of  
17 the date of the letter. Respondent failed to file a response in this matter.

18 105. By letter dated January 29, 2003, the State Bar again wrote Respondent at her  
19 address of record with the State Bar Membership Department referencing the  
20 December 26, 2002, letter. The State Bar again requested a written response to  
21 Mrs. Bennett's allegations and gave Respondent ten days to respond.  
22 Respondent failed to file a response in this matter.  
23  
24  
25

1 **COUNT FOURTEEN (File No. 02-2510 Smith)**

2 106. Respondent represented Billy and Catherine Smith in a bankruptcy matter.

3 107. In July 2000, the Smiths' son was killed in an accident. The Smiths were the  
4 beneficiaries of their son's life insurance policy.

5 108. After the death of their son, Respondent persuaded the Smiths to let her hold the  
6 insurance proceeds of approximately \$30,000.00 in her trust account.

7 109. Respondent told the Smiths that because of the Smiths' bankruptcy, if  
8 Respondent did not hold the money in her trust account, the IRS would have  
9 access to those proceeds.

10 110. The Smiths attempted to contact Respondent to find out the status of the  
11 proceeds, but Respondent failed to respond to them concerning the location of  
12 the funds.

13 111. The Smiths specifically called Respondent's office to request an accounting of  
14 the funds that Respondent was holding for them in trust. Respondent failed to  
15 return the Smiths' inquiries or provide an accounting.

16 112. A review of Respondent's trust account records revealed that Respondent had  
17 only \$400 in her trust account. The Smiths have not received any of the  
18 insurance proceeds from Respondent.

19 113. By letter dated January 10, 2003, the State Bar informed Respondent of the  
20 Smiths' allegations concerning her professional conduct. The letter was sent to  
21 Respondent's address of record with the State Bar Membership Department,  
22 requesting that Respondent provide a response in writing within twenty days of  
23 the date of the letter. Respondent failed to file a response in this matter.  
24  
25

1           114. By letter dated February 5, 2003, the State Bar again wrote Respondent at her  
2 address of record with the State Bar Membership Department referencing the  
3 January 10, 2003, letter. The State Bar again requested a written response to the  
4 Smiths' allegations and gave Respondent ten days to respond. Respondent  
5 failed to file a response in this matter.

6 **COUNT FIFTEEN (File No. 03-0143 Love)**

7           115. In August 2002, Glen and Deborah Love retained Respondent to assist them  
8 with a Chapter 13 bankruptcy case. The Loves paid Respondent a \$2,500.00  
9 retainer.

10           116. The Loves believed that Respondent would file their bankruptcy petition on  
11 November 26, 2002.

12           117. When the Loves did not hear from Respondent on November 26, 2002, Mr.  
13 Love went to Respondent's office on November 27, 2002. Respondent blamed  
14 the failure to file the petition on her staff.

15           118. It was agreed at this meeting that the filing would occur no later than December  
16 18, 2002, as their house was to be sold at a foreclosure sale on December 20,  
17 2002.

18           119. On December 5, 2002, Respondent was placed on interim suspension.  
19 Respondent failed to notify the Loves that she had been suspended from the  
20 practice of law.

21           120. On December 16, 2002, the Loves called Respondent's office and asked that the  
22 bankruptcy papers be filed that day. Respondent failed to ensure that the papers  
23 were filed that day and only gave excuses for why they were not filed.  
24  
25

1           121. The Loves called Respondent's office again on December 17, 2002, and again  
2           requested that the bankruptcy papers be filed that day. Only after the Loves had  
3           "come unglued" at Respondent's paralegal was the petition filed.

4           122. In mid-January 2003, the Loves received a copy of the petition Respondent had  
5           filed. Shortly thereafter, the Loves received a letter from an attorney, as well as  
6           a notice from the Chapter 13 Trustee, that the Loves were no longer represented  
7           in the bankruptcy case.

8           123. The Loves attempted to contact Respondent about this and finally, on January  
9           22, 2003, met with Respondent's paralegal. The paralegal admitted to the Loves  
10          that Respondent was suspended and that the paralegal was "stretched thin in  
11          trying to get everything done."

12          124. When the Loves returned home from this meeting, they received a notice from  
13          the bankruptcy court that their petition had been dismissed for failure to file all  
14          of the proper paperwork.

15          125. A review of Respondent's trust account records revealed that the retainer paid  
16          by the Loves was unaccounted for.

17          126. By letter dated February 5, 2003, the State Bar informed Respondent of the  
18          Loves' allegations concerning her professional conduct. The letter was sent to  
19          Respondent's address of record with the State Bar Membership Department,  
20          requesting that Respondent provide a response in writing within twenty days of  
21          the date of the letter. Respondent failed to file a response in this matter.  
22  
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1 **COUNT SIXTEEN (File No. 03-0218 Wooten)**

2 127. In early 2002, David Wooten retained Respondent to represent him in a  
3 bankruptcy matter. Mr. Wooten paid Respondent a \$650.00 retainer.

4 128. At Respondent's direction, Mr. Wooten obtained copies of all his bills and took  
5 them to Respondent's office.

6 129. Mr. Wooten was informed that when Respondent moved offices in 2002, his file  
7 had been "lost." Mr. Wooten then had to obtain the lost information for  
8 Respondent.

9 130. Respondent was placed on interim suspension on December 5, 2002.  
10 Respondent failed to tell Mr. Wooten that she was suspended.

11 131. On or about December 6, 2002, Respondent asked Mr. Wooten for more money  
12 in order to file his case. Mr. Wooten gave Respondent an additional \$105.00.

13 132. In January 2003, Mr. Wooten learned that Respondent had been suspended in  
14 December 2002.

15 133. Respondent failed to file Mr. Wooten's bankruptcy petition.

16 134. By letter dated February 14, 2003, the State Bar informed Respondent of Mr.  
17 Wooten's allegations concerning her professional conduct. The letter was sent  
18 to Respondent's address of record with the State Bar Membership Department,  
19 requesting that Respondent provide a response in writing within twenty days of  
20 the date of the letter. Respondent failed to file a response in this matter.  
21

22 **COUNT SEVENTEEN (File No. 03-0270 Collier)**

23 135. Maribel Collier is a 74 year-old woman living in a nursing home.

24 136. Ms. Collier's sister holds the power of attorney for Ms. Collier's affairs.  
25

1 137. In February 2001, Ms. Collier retained Respondent to represent her in a  
2 bankruptcy matter. Ms. Collier paid Respondent a retainer of \$1,500.00.

3 138. Respondent did not prepare the bankruptcy for Ms. Collier and Ms. Collier's  
4 credit was adversely affected as a result.

5 139. Throughout the representation, Ms. Collier and her sister had difficulty in  
6 communicating with Respondent. Respondent failed to return any of Ms.  
7 Collier's or her sister's telephone calls and letters. Mrs. Collier's sister called  
8 daily in November 2001, but Respondent failed to return any of those telephone  
9 calls.

10 140. Although often requested, Respondent failed to provide Ms. Collier and her  
11 sister information regarding the status of the bankruptcy. Respondent refused to  
12 return any of Mrs. Colliers' or her sister's telephone calls and letters requesting  
13 information about the bankruptcy.

14 141. Ms. Collier also had given Respondent approximately \$21,000.00 from the sale  
15 of some property to hold in her trust account. Respondent did not provide Ms.  
16 Collier a receipt for the funds, stating the Respondent could not access funds in  
17 the trust account.

18 142. Despite repeated attempts to obtain an accounting of the funds, Respondent  
19 failed to give an accounting to Ms. Collier or her sister.

20 21 143. On December 5, 2002, the Arizona Supreme Court placed Respondent on  
22 interim suspension from the practice of law. Respondent failed to inform Ms.  
23 Collier and her sister of the suspension.  
24  
25

1 144. A review of Respondent's trust account records revealed that the funds given to  
2 Respondent by Ms. Collier are unaccounted for.

3 145. By letter dated February 19, 2003, the State Bar informed Respondent of Ms.  
4 Collier's allegations concerning her professional conduct. The letter was sent to  
5 Respondent's address of record with the State Bar Membership Department,  
6 requesting that Respondent provide a response in writing within twenty days of  
7 the date of the letter. Respondent failed to file a response in this matter.  
8

9 **COUNT EIGHTEEN (File No. 03-0271 Pacini)**

10 146. William Pacini is the manager of the office complex where Respondent  
11 maintained an office.

12 147. Respondent failed to pay her rent for several months and was subsequently sued  
13 for forcible detainer and back rent.

14 148. In February 2003, Respondent entered into a stipulated judgment for \$10,000.00  
15 in back rent and \$157.00 in fees and costs.

16 149. To date, Respondent has failed and refused to make any payments on the duly  
17 entered court ordered judgment.

18 150. By letter dated February 19, 2003, the State Bar informed Respondent of Mr.  
19 Pacini's allegations concerning her professional conduct. The letter was sent to  
20 Respondent's address, requesting that Respondent provide a response in writing  
21 within twenty days of the date of the letter. Respondent failed to file a response  
22 in this matter.  
23  
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1 **COUNT NINETEEN (File No. 03-0281 Storck)**

2 151. In or about 1999, Nicolette Storck retained Respondent to represent her in a  
3 bankruptcy matter. Ms. Storck paid Respondent a \$750.00 retainer.

4 152. Sometime after retaining Respondent, Ms. Storck was involved in an automobile  
5 accident that left Ms. Storck severely injured.

6 153. Respondent advised Ms. Storck that she should not file the bankruptcy case until  
7 the automobile accident matter had settled.

8 154. Respondent never filed the bankruptcy for Ms. Storck.

9 155. Ms. Storck made payments on her bills over the next three years, eventually  
10 paying all of the debts so that she did not need to file for bankruptcy.

11 156. In the interim, Ms. Storck's ex-husband died and his son stopped paying on  
12 three credit cards that were jointly held by Ms. Storck and her ex-husband  
13 during the marriage. As a result, the credit card companies sued Ms. Storck and  
14 obtained a judgment against her in the amount of \$4,994.00 on January 7, 2002.

15 157. Ms. Storck then contacted Respondent to see if Respondent could negotiate with  
16 the creditors to accept less on their judgments.

17 158. Respondent told Ms. Storck that she would charge \$750.00 to negotiate the  
18 judgments. When Ms. Storck then suggested that Respondent use the retainer  
19 Ms. Storck paid her for the bankruptcy that was never filed, Respondent refused,  
20 claiming she had earned that entire fee.

21 159. Ms. Storck then requested an accounting of the time and copies of her file from  
22 Respondent. Respondent failed to provide the requested documents to Ms.  
23 Storck.  
24  
25

1           160. After the request, Ms. Storck had difficulty in communicating with Respondent.  
2           Ms. Storck made numerous telephone calls and sent faxes and letters to  
3           Respondent, but Respondent failed to return any of the telephone calls or answer  
4           any of the faxes or letters from Ms. Storck.

5           161. Ms. Storck paid Respondent the additional \$750.00 to get the judgments  
6           negotiated down for her.

7           162. Respondent failed to negotiate the judgments on behalf of Ms. Storck.

8           163. In October 2002, Ms. Storck terminated Respondent's representation and  
9           demanded her retainer back from Respondent. Respondent has not refunded any  
10          money to Ms. Storck.

11          164. By letter dated February 19, 2003, the State Bar informed Respondent of Ms.  
12          Storck's allegations concerning her professional conduct. The letter was sent to  
13          Respondent's address of record with the State Bar's Membership Department,  
14          requesting that Respondent provide a response in writing within twenty days of  
15          the date of the letter. Respondent failed to file a response in this matter. The  
16          Post Office returned the letter as undeliverable.  
17

18          **COUNT TWENTY (File No. 03-0287 Ledden)**

19          165. In November 2002, Barbara Ledden retained Respondent for representation in a  
20          bankruptcy matter. Ms. Ledden paid Respondent a \$950.00 retainer.

21          166. Ms. Ledden filled out the paperwork for Respondent and had the paperwork  
22          delivered to Respondent's office.

23          167. Throughout the representation, Ms. Ledden had difficulty communicating with  
24          Respondent. Ms. Ledden made numerous telephone calls to Respondent to  
25

1 ascertain the status of her bankruptcy paperwork, but Respondent failed to return  
2 her calls or otherwise keep Ms. Ledden informed of the status of her case.

3 168. A review of Respondent's trust account records show that her balance was  
4 below the \$950.00 she should have been holding for Ms. Ledden.

5 169. Although Respondent was suspended from the practice of law on December 5,  
6 2002, Respondent failed to inform Ms. Ledden of the suspension.

7 170. By letter dated February 24, 2003, the State Bar informed Respondent of Ms.  
8 Ledden's allegations concerning her professional conduct. The letter was sent to  
9 Respondent's address of record with the State Bar Membership Department as  
10 well as a new address learned of in another proceeding with Respondent,  
11 requesting that Respondent provide a response in writing within twenty days of  
12 the date of the letter. Respondent failed to file a response in this matter.  
13

14 **COUNT TWENTY-ONE (File No. 03-0311Woodard)**

15 171. In November 2002 Joyce Woodard retained Respondent for representation in a  
16 bankruptcy matter. Ms. Woodard paid Respondent a \$950.00 retainer.

17 172. Ms. Woodard filled out the paperwork for Respondent and had the paperwork  
18 delivered to Respondent's office.

19 173. Throughout the representation, Ms. Woodard had difficulty communicating with  
20 Respondent. Ms. Woodard telephoned Respondent continually in December  
21 2002 and when she attempted to contact Respondent in January 2003, the  
22 telephone was disconnected.

23 174. Despite Ms. Woodard's repeated attempts to find out the status of her case and  
24 her retainer, Respondent failed to give that information to Ms. Woodard.  
25

1 175. A review of Respondent's trust account records show that her balance was  
2 below the \$950.00 she should have been holding for Ms. Woodard.

3 176. Although Respondent was suspended from the practice of law on December 5,  
4 2002, Respondent failed to inform Ms. Woodard of the suspension.

5 177. By letter dated February 24, 2003, the State Bar informed Respondent of Ms.  
6 Woodard's allegations concerning her professional conduct. The letter was sent  
7 to Respondent's address of record with the State Bar Membership Department  
8 as well as a new address learned of in another proceeding with Respondent,  
9 requesting that Respondent provide a response in writing within twenty days of  
10 the date of the letter. Respondent failed to file a response in this matter.  
11

12 **COUNT TWENTY-TWO (File No. 03-0317 Talmon)**

13 178. Marian Talmon retained Respondent for representation in a bankruptcy matter.  
14 Ms. Talmon paid Respondent a \$950.00 retainer.

15 179. In or about February 2003, the mortgage holder informed Ms. Talmon that the  
16 reaffirmation papers for her first and second mortgages were never filed in the  
17 bankruptcy case. Respondent had received the papers from the mortgage  
18 holders in the bankruptcy to fill out and file for the reaffirmation of the debt, but  
19 failed to do so.

20 180. Ms. Talmon was informed by the mortgage holder that the banks were about to  
21 begin foreclosure actions on her property, despite the fact that her credit report  
22 shows that the two loans appear as "discharged in bankruptcy".  
23  
24  
25

1 181. Ms. Talmon attempted to contact Respondent for assistance in clearing up the  
2 situation and found that her office was closed and there was no forwarding  
3 telephone number.

4 182. Although Respondent was suspended from the practice of law on December 5,  
5 2002, Respondent failed to inform Ms. Talmon of the suspension. Respondent  
6 was still the attorney of record for Ms. Talmon in the bankruptcy case.  
7 Respondent also failed to notify the bankruptcy court and opposing counsel of  
8 her suspension.  
9

10 183. By letter dated February 25, 2003, the State Bar informed Respondent of Ms.  
11 Talmon's allegations concerning her professional conduct. The letter was sent  
12 to Respondent's address of record with the State Bar Membership Department  
13 as well as a new address learned of in another proceeding, requesting that  
14 Respondent provide a response in writing within twenty days of the date of the  
15 letter. Respondent failed to file a response in this matter.

16 **COUNT TWENTY-THREE (File No. 03-0369 Chaira)**

17 184. In November 2002, Abe and Andrea Chaira retained Respondent for  
18 representation in a bankruptcy matter. The Chairas paid Respondent a retainer  
19 of \$1,050.00.  
20

21 185. The Chairas filled out the paperwork for Respondent and had the paperwork  
22 delivered to Respondent's office in mid-December, 2002. Respondent never  
23 filed the bankruptcy petition.

24 186. Throughout the representation, the Chairas had difficulty communicating with  
25 Respondent. The Chairas called in January 2003, to speak with Respondent but

1 could only speak with her assistant. Toward the end of January 2003, the  
2 Chairas called Respondent's office to ascertain the status of their paperwork and  
3 found that the telephone was disconnected.

4 187. Despite the Chairas' repeated attempts to find out the status of their case and  
5 obtain an accounting, Respondent failed to provide the requested information.

6 188. Although Respondent was suspended from the practice of law on December 5,  
7 2002, Respondent failed to inform the Chairas of the suspension.

8 189. A review of Respondent's trust account records revealed that the retainer paid  
9 by the Chairas was unaccounted for.

10 190. By letter dated March 4, 2003, the State Bar informed Respondent of the  
11 Chairas' allegations concerning her professional conduct. The letter was sent to  
12 Respondent's address of record with the State Bar Membership Department as  
13 well as a new address learned of in another proceeding, requesting that  
14 Respondent provide a response in writing within twenty days of the date of the  
15 letter. Respondent failed to file a response in this matter.

16  
17 **COUNT TWENTY-FOUR (File No. 03-0370 Moreno)**

18 191. On or about July 9, 2002, Alfred and Kathleen Moreno retained Respondent for  
19 representation in a bankruptcy matter. The Morenos paid Respondent a retainer  
20 of \$1,450.00.

21 192. Respondent advised the Morenos that they made too much money at that time to  
22 file a Chapter 7. Respondent advised the Morenos to spend down the money,  
23 not pay on the debts and to let her know when they had spent the money so that  
24  
25

1 they could wait 91-days prior to filing the bankruptcy. The 91 days began on  
2 October 24, 2002.

3 193. On January 20, 2003, the Morenos called Respondent's office and notified her  
4 that the 91-day period had concluded.

5 194. On January 27, 2003, the Morenos received a telephone call from one of their  
6 creditors. The creditor informed the Morenos that they had called Respondent's  
7 office and were informed that Respondent no longer represented the Morenos.

8 195. The Morenos then tried to contact Respondent and learned that her office  
9 telephone number had been disconnected and that they could not leave any  
10 messages on Respondent's cellular telephone.

11 196. A review of Respondent's trust account records show that her balance was  
12 below the \$1,450.00 she should have been holding for the Morenos.

13 197. Although Respondent was suspended from the practice of law on December 5,  
14 2002, Respondent failed to inform the Morenos of the suspension.

15 198. By letter dated March 4, 2003, the State Bar informed Respondent of the  
16 Morenos' allegations concerning her professional conduct. The letter was sent to  
17 Respondent's address of record with the State Bar Membership Department as  
18 well as a new address learned of in another proceeding, requesting that  
19 Respondent provide a response in writing within twenty days of the date of the  
20 letter. Respondent failed to file a response in this matter.

21  
22  
23 **COUNT TWENTY-FIVE (File No. 03-0390 Witzka)**

24 199. On December 3, 2002, William Witzka retained Respondent for representation  
25 in a bankruptcy matter. Mr. Witzka paid Respondent a \$1,000.00 retainer.

1           200. Mr. Witzka filled out and delivered the paperwork to Respondent's office the  
2           next week. Respondent failed to file the bankruptcy petition for Mr. Witzka.

3           201. In January 2003, Mr. Witzka was served with papers regarding a garnishment.  
4           He took the papers to Respondent's office for her to handle the matter.

5           202. After taking the garnishment papers to Respondent's office, Mr. Witzka did not  
6           hear from Respondent. In late January 2003, Mr. Witzka attempted to contact  
7           Respondent by telephone and learned that her office telephone number was  
8           disconnected and the office was closed.

9           203. Despite Mr. Witzka's attempts to contact Respondent and obtain his file and  
10          retainer, Respondent failed to communicate with Mr. Witzka and has failed to  
11          return either the retainer or his file.

12          204. Although Respondent was suspended from the practice of law on December 5,  
13          2002, Respondent failed to inform Mr. Witzka of the suspension.

14          205. By letter dated March 6, 2003, the State Bar informed Respondent of Mr.  
15          Witzka's allegations concerning her professional conduct. The letter was sent to  
16          Respondent's address of record with the State Bar Membership Department as  
17          well as a new address learned of in another proceeding, requesting that  
18          Respondent provide a response in writing within twenty days of the date of the  
19          letter. Respondent failed to file a response in this matter.  
20  
21

22          **COUNT TWENTY-SIX (File No. 03-0445 Repp)**

23          206. In 1995, Donald Repp hired Respondent to represent him in a divorce and  
24          possible bankruptcy.  
25

1           207. Mrs. Repp owned property in Missouri and the couple decided to sell the  
2           property and split the proceeds as part of the divorce.

3           208. Respondent received the proceeds and sent Mrs. Repp her portion and retained  
4           \$1,500.00 of Mr. Repp's portion for his anticipated bankruptcy fees.

5           209. Mr. Repp determined he did not need to file for bankruptcy protection.

6           210. When Mr. Repp tried to contact Respondent, Mr. Repp learned that the  
7           telephone number was disconnected.

8           211. Mr. Repp then contacted the State Bar and learned that Respondent had been  
9           suspended as of December 5, 2002.

10          212. Respondent never returned Mr. Repp's \$1,500.00 retainer or provided an  
11          accounting.

12          213. By letter dated March 11, 2003, the State Bar informed Respondent of Mr.  
13          Repp's allegations concerning her professional conduct. The letter was sent to  
14          Respondent's address of record with the State Bar Membership Department as  
15          well as a new address learned of in another proceeding, requesting that  
16          Respondent provide a response in writing within twenty days of the date of the  
17          letter. Respondent failed to file a response in this matter.  
18

19          **COUNT TWENTY-SEVEN (File No. 03-0454 Steensland)**

20          214. On November 4, 2002, Marsha Steensland retained Respondent to represent her in  
21          a Chapter 7 bankruptcy. On November 6, 2002, Ms. Steensland's brother wired a  
22          \$2,000.00 retainer into an account designated by Respondent. This account was  
23          Respondent's personal account.  
24  
25

1           215. From November 2002 through January 2003, Ms. Steensland brought documents  
2           to Respondent's office for preparation of the bankruptcy petition and schedules.

3           216. On February 3, 2003, Ms. Steensland went to Respondent's office and found the  
4           door locked and a notice to contact the State Bar.

5           217. Respondent never filed the bankruptcy petition for Ms. Steensland.

6           218. By letter dated March 10, 2003, the State Bar informed Respondent of Ms.  
7           Steensland's allegations concerning her professional conduct. The letter was  
8           sent to Respondent's address of record with the State Bar Membership  
9           Department as well as a new address learned of in another proceeding,  
10          requesting that Respondent provide a response in writing within twenty days of  
11          the date of the letter. Respondent failed to file a response in this matter.  
12

13 **COUNT TWENTY-EIGHT (File No. 03-0455 Dr. Smith)**

14          219. Dr. Sandra Smith treated Ricki and Roy Ray for injuries they received in an  
15          automobile accident in July 2000.

16          220. Respondent was retained to represent the Rays in the personal injury matter.

17          221. In July 2001, Dr. Smith had completed treatment of the Rays and sent her files and  
18          billings to Respondent.

19          222. Since July 16, 2001, Dr. Smith has made repeated attempts to contact Respondent  
20          to learn the status of the Rays' personal injury matter.

21          223. On January 23, 2003, Dr. Smith attempted to call Respondent's office and learned  
22          that the telephone number was disconnected.

23          224. Dr. Smith then contacted Mr. Ray who informed Dr. Smith that Respondent had  
24          settled the matter for \$40,000.00 some time before and was supposed to send  
25

1 payments for the medical liens and the remainder to the Rays. Mrs. Ray reported  
2 to Dr. Smith that the Rays had not received any of the money.

3 225. Dr. Smith's fees for treatment of the Rays totaled \$4,770.26.

4 226. By letter dated March 12, 2003, the State Bar informed Respondent of Dr.  
5 Smith's allegations concerning her professional conduct. The letter was sent to  
6 Respondent's address of record with the State Bar Membership Department as  
7 well as a new address learned of in another proceeding, requesting that  
8 Respondent respond in writing within twenty days of the date of the letter.  
9 Respondent failed to file a response in this matter.  
10

11 **COUNT TWENTY-NINE (File No. 03-0463 Gudenkauf)**

12 227. In or around April 2002, Roberta Gudenkauf met with Respondent to discuss  
13 possible representation in Chapter 7 bankruptcy filing.

14 228. On April 26, 2002, Mrs. Gudenkauf retained Respondent to handle the bankruptcy  
15 matter and paid Respondent \$2,760.00 as a retainer.

16 229. Respondent filed the bankruptcy petition for Mrs. Gudenkauf, but failed to appear  
17 for the initial 341 meeting of creditors.

18 230. After Respondent failed to appear for the initial meeting of creditors, Mrs.  
19 Gudenkauf called Respondent's office and left messages with an assistant for  
20 Respondent to call her. Respondent failed to contact her.

21 231. After not hearing from Respondent's office, Mrs. Gudenkauf tried to contact  
22 Respondent after an appraiser hired by the bankruptcy trustee appeared at her  
23 home in late January 2003 or early February 2003 and learned that her office  
24 telephone number had been disconnected and the office closed.  
25

1           232.   When Mrs. Gudenkauf contacted the State Bar, she learned that Respondent had  
2           been suspended in December 2002.

3           233.   By letter dated March 12, 2003, the State Bar informed Respondent of Mrs.  
4           Gudenkauf's allegations concerning her professional conduct. The letter was  
5           sent to Respondent's address of record with the State Bar Membership  
6           Department as well as a new address learned of in another proceeding,  
7           requesting that Respondent provide a response in writing within twenty days of  
8           the date of the letter. Respondent failed to file a response in this matter.  
9

10   **COUNT THIRTY (File No. 03-0409 Major)**

11           234.   On November 14, 2002, Anthony Major retained Respondent to file a Chapter 13  
12           bankruptcy on his behalf.

13           235.   Between November 14, 2002, and January 8, 2003, Mr. Major paid Respondent a  
14           total of \$3,250.00 as a retainer. Respondent accepted \$800.00 of the total paid  
15           after she had been placed on interim suspension in December of 2002.

16           236.   The bankruptcy was filed and the first meeting of creditors was set for February  
17           12, 2003. Respondent failed to appear at the first meeting of creditors.

18           237.   After the first meeting of creditors, Mr. Major attempted to call Respondent and  
19           learned that her telephone had been disconnected.

20           238.   Mr. Major then drove to Respondent's office to find that the office had been  
21           closed.

22           239.   By letter dated March 20, 2003, the State Bar informed Respondent of Mr.  
23           Major's allegations concerning her professional conduct. The letter was sent to  
24           Respondent's address of record with the State Bar Membership Department as  
25

1 well as a new address learned of in another proceeding, requesting that  
2 Respondent respond in writing within twenty days of the date of the letter.

3 Respondent failed to file a response in this matter.

4 **COUNT THIRTY-ONE (File No. 03-0410 Bryzelak)**

5 240. In April or May of 2002, David and Sandra Bryzelak retained Respondent the  
6 handle their Chapter 13 bankruptcy case. The Bryzelaks paid Respondent a  
7 retainer of \$2,935.00.

8 241. On September 20, 2002, the Bryzelaks received an objection to their proposed  
9 Chapter 13 plan filed by their mortgage company.

10 242. On October 3, 2002, Mr. Bryzelak met with Respondent's assistant to discuss the  
11 objection. Mr. Bryzelak thought that Respondent would contact him to discuss the  
12 matter. Respondent failed to contact Mr. Bryzelak.

13 243. From October 15 through 17, 2002, Mr. Bryzelak called Respondent's office and  
14 sent faxes to Respondent to discuss the status of his case. Respondent failed to  
15 respond to the telephone calls and/or faxes.

16 244. Mr. Bryzelak went to Respondent's office in November 2002, to try and discuss  
17 the status of the case with Respondent, but was not allowed to meet with  
18 Respondent.

19 245. On December 6, 2002, the Bryzelaks received a notice that their bankruptcy case  
20 had been dismissed. The Bryzelaks then attempted to contact Respondent by  
21 telephone and fax to find out the status of the case, but Respondent failed to return  
22 any of their telephone calls and did not answer any of their faxes. On January 7,  
23 2003, Mr. Bryzelak went to Respondent's office to try and discuss the dismissal  
24  
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1 with Respondent, but her office staff refused to allow Mr. Bryzelak to meet with  
2 her.

3 246. On January 9, 2003, Respondent's secretary contacted Mr. Bryzelak at  
4 approximately 5:00 p.m. to inform Mr. Bryzelak that Respondent had filed a  
5 motion to reopen the case.

6 247. On January 31, 2003, Mr. Bryzelak learned that his finance company wanted to  
7 repossess his automobile. Mr. Bryzelak also learned that his mortgage company  
8 was foreclosing on his house. Mr. Bryzelak called Respondent's office and  
9 learned that the telephone number had been disconnected.

10 248. Mr. Bryzelak contacted the bankruptcy trustee who informed him that there had  
11 been no motion filed to reopen the case and that Respondent had been suspended  
12 on December 5, 2002.

13 249. By letter dated March 20, 2003, the State Bar informed Respondent of the  
14 Brezelaks' allegations concerning her professional conduct. The letter was sent  
15 to Respondent's address of record with the State Bar Membership Department  
16 as well as a new address learned of in another proceeding, requesting that  
17 Respondent respond in writing within twenty days of the date of the letter.  
18 Respondent failed to file a response in this matter.  
19

20  
21 **COUNT THIRTY-TWO (File No. 03-0424 Giunta)**

22 250. On November 15, 2002, John and Kathy Giunta retained Respondent to file  
23 bankruptcy on their behalf. The Giuntas paid Respondent a \$500.00 retainer.  
24  
25

1           251. On November 27, 2002, Mrs. Giunta spoke with Respondent who told Mrs. Giunta  
2           to fill out the paperwork they had been given and to make sure she sends in her  
3           payments.

4           252. The Giuntas filled out their paperwork and sent it back to Respondent, along with a  
5           \$100.00 check. The check was dated December 13, 2002 and cashed by  
6           Respondent on January 21, 2003.

7           253. On January 23, 2003, Mrs. Giunta learned that the bankruptcy petition had not  
8           been filed. Mrs. Giunta then attempted to contact Respondent, but was unable to  
9           contact Respondent.

10          254. By letter dated March 20, 2003, the State Bar informed Respondent of the  
11          Giunta's allegations concerning her professional conduct. The letter was sent to  
12          Respondent's address of record with the State Bar Membership Department as  
13          well as a new address learned of in another proceeding, requesting that  
14          Respondent respond in writing within twenty days of the date of the letter.  
15          Respondent failed to file a response in this matter.

16  
17 **COUNT THIRTY-THREE (File No. 03-0481 Sondej)**

18          255. On May 30, 2002, Joseph Sondej retained Respondent to prepare and file a  
19          Chapter 7 bankruptcy case for him. Mr. Sondej paid Respondent a retainer of  
20          \$950.00.

21  
22          256. Respondent contacted Mr. Sondej claiming that she was ill and conducted their  
23          first meeting over the telephone with Mr. Sondej.

1           257. In September 2002, Mr. Sondej took his bankruptcy paperwork to Respondent's  
2           office and was told that if Respondent had any questions, Respondent would  
3           contact Mr. Sondej.

4           258. Between October 2002 and January 2003, Mr. Sondej called Respondent's office  
5           on a regular basis to find out the status of his case but was not permitted to speak  
6           with Respondent nor did she return his calls.

7           259. Between October 2002 and January 2003, Mr. Sondej continued to receive letters  
8           from creditors and collectors concerning his accounts that he then faxed and mailed  
9           to Respondent.

10          260. In mid to late January 2003, Mr. Sondej again attempted to contact Respondent,  
11          only to learn that her telephone had been disconnected and that there was no  
12          forwarding number.

13          261. Respondent failed to tell Mr. Sondej that she had been suspended on December 5,  
14          2002 and failed to file the bankruptcy on his behalf.

15          262. By letter dated March 21, 2003, the State Bar informed Respondent of Mr.  
16          Sondej's allegations concerning her professional conduct. The letter was sent to  
17          Respondent's address of record with the State Bar Membership Department as  
18          well as a new address learned of in another proceeding, requesting that  
19          Respondent respond in writing within twenty days of the date of the letter.  
20          Respondent failed to file a response in this matter.

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23       **COUNT THIRTY-FOUR (File No. 03-0504)**

24          263. On July 26, 2002, Respondent wrote check #10197 from her personal account to  
25          Terri's Consign & Design for personal items totaling \$2,913.95. The check was

1 returned for insufficient funds and Respondent failed, after receiving notice, to  
2 pay Terri's Consign & Design the amount owed.

3 264. On March 7, 2003, Respondent was charged with issuing bad check, in violation  
4 of A.R.S. §13-1807.

5 265. By letter dated March 28, 2003, the State Bar informed Respondent of the  
6 allegations concerning her professional conduct. The letter was sent to  
7 Respondent's address of record with the State Bar Membership Department as  
8 well as a new address learned of in another proceeding, requesting that  
9 Respondent provide a response in writing within twenty days of the date of the  
10 letter. Respondent failed to file a response in this matter.  
11

12 **COUNT THIRTY-FIVE (File No. 03-0528 Ray)**

13 266. On or about July 27, 2000, Ricki and Roy Ray retained Respondent to represent  
14 them in a personal injury matter arising out of an automobile accident that occurred  
15 in July 2000.

16 267. On or about August 4, 2000, the Rays signed a contingency fee agreement with  
17 Respondent.

18 268. In April 2002, Respondent was able to settle with the other driver's insurance  
19 company for \$40,419.18.

20 269. Respondent then met with the Rays and explained that she would deposit the  
21 checks and hold the funds until she was able to settle with the Rays' insurance  
22 company under their underinsured policy. Respondent informed the Rays she  
23 would then pay all of the medical liens from the combined settlement amounts.  
24  
25

- 1           270. In July 2002, Respondent informed the Rays that she was still negotiating with  
2           their insurance company and that it might take some time to get the matter settled.
- 3           271. In September 2002, the Rays called Respondent's office and were told Respondent  
4           would call back with a status of their case. Respondent failed to call the Rays.
- 5           272. From October 11, 2002 until January 20, 2003, the Rays called Respondent's  
6           office about every three weeks to check on the status of their case and were told  
7           that Respondent was unavailable to talk with them, but would return the calls.  
8           Respondent failed to return any of the Rays' telephone calls.
- 9           273. On January 21, 2003, the Rays again attempted to call Respondent and learned that  
10          her telephone had been disconnected.
- 11          274. On January 22, 2003, Mrs. Ray went to Respondent's office and was told by the  
12          secretary that Respondent was out of town and that the telephone situation would  
13          be rectified shortly as it was a problem with the telephone carrier.
- 14          275. In late January 2003, Dr. Smith, one of their treating physicians from the  
15          automobile accident, contacted the Rays and asked them the status of their case.  
16          The Rays informed Dr. Smith that Respondent had settled the matter for  
17          \$40,000.00 some time before and was supposed to send payments for the medical  
18          liens and the remainder to the Rays. Mrs. Ray reported to Dr. Smith that the Rays  
19          had not received any of the money.
- 20          276. On February 2, 2003, Mrs. Ray went back to Respondent's office only to learn that  
21          the office had been closed.
- 22          277. On February 7, 2003, the Rays contacted their insurance company's claim  
23          representative and learned that the last contact the claim representative had with  
24          representative and learned that the last contact the claim representative had with  
25

1 Respondent was July 25, 2002. The claim representative then informed the Rays  
2 that when he had tried to contact Respondent on February 3, 2003, he learned that  
3 her telephone had been disconnected.

4 278. By letter dated March 28, 2003, the State Bar informed Respondent of the Rays'  
5 allegations concerning her professional conduct. The letter was sent to  
6 Respondent's address of record with the State Bar Membership Department as  
7 well as a new address learned of in another proceeding, requesting that  
8 Respondent respond in writing within twenty days of the date of the letter.  
9 Respondent failed to file a response in this matter.  
10

11 **COUNT THIRTY-SIX (File No. 03-0533 Osburn)**

12 279. In September 2002, Richard Osburn retained Respondent to represent him in a  
13 divorce initiated by Mrs. Osburn in Navajo County.

14 280. According to Mr. Osburn, he did not wish to contest the divorce but wished to  
15 resolve the matter by stipulation.

16 281. Mr. Osburn paid Respondent a retainer of \$2,500.00 on September 18, 2002.

17 282. Mr. Osburn was unable to contact Respondent as she was out of town for  
18 lengthy periods and Respondent's staff would not advise him where she was.

19 283. Mr. Osburn believed that the divorce would be resolved by December 2002 as  
20 he was not contesting. However, as of the time Mr. Osburn filed his complaint  
21 with the State Bar in March 2003, he did not have a final decree of dissolution.  
22

23 284. Mr. Osburn made numerous attempts to contact Respondent in person, by  
24 telephone call and by faxes, but was unable to get responses from Respondent to  
25 those efforts.



1 **COUNT THREE (File No. 02-1111):**

2 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
3 specifically, ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 8.1(b) and 8.4(d) and Rules 43(a), 44(a) and  
4 51(h) and (i).

5 **COUNT FOUR (File No. 02-1283):**

6 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
7 specifically, ERs 1.2, 1.3, 1.4, 1.5 and 8.1(b) and Rule 51(h) and (i).

8 **COUNT FIVE (File No. 02-1284):**

9 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
10 specifically, ERs 1.4, 1.15 and 8.1(b) and Rules 43(a), 44(a) and (b)(3) and 51(h) and (i).

11 **COUNT SIX (File No. 02-1482):**

12 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S.  
13 Ct., specifically, ERs 1.15 and 8.1(b) and Rules 43, 44 and 51(h) and (i).

14 **COUNT SEVEN (File No. 02-1513):**

15 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
16 specifically, ERs 1.15, 8.1(b) and 8.4(c) and Rules 43, 44 and 51(h) and (i).

17 **COUNT EIGHT (File No. 02-1594):**

18 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
19 specifically, ERs 1.1, 1.3, 1.4, 1.16(d), 3.3, 4.1, 8.1(b) and 8.4(c) and (d) and Rules 31(c)(3),  
20 41(e) and 51(h) and (i).  
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1 **COUNT NINE (File No. 02-1840):**

2 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
3 specifically, ERs 1.1, 1.2, 1.3, 1.4, 1.15, 1.16(d) and 8.1(b) and Rules 43(a) and (d)(Guideline  
4 2.g), 44(a) and (b)(3) and (4) and 51(h) and (i).

5 **COUNT TEN (File No. 02-1984):**

6 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
7 specifically, ERs 1.2, 1.3, 1.4, 1.15 and 8.1(b) and Rules 43, 44 and 51(h) and (i).

8 **COUNT ELEVEN (File No. 02-2105):**

9 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
10 specifically, ERs 1.2, 1.4, 1.5, 1.15(b) and 8.1(b) and Rules 43, 44 and 51(h) and (i).

11 **COUNT TWELVE (File No. 02-2401):**

12 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
13 specifically, ERs 1.2, 1.3, 1.4, 1.5, 1.15(b), 8.1(b) and 8.4(d) and Rules 43, 43(d)(Guideline  
14 2.a), 44, 44(b)(4) and 51(h) and (i).

15 **COUNT THIRTEEN (File No. 02-2456):**

16 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
17 specifically, ERs 1.2, 1.3, 1.4, 1.5, 1.15 and 8.1(b) and Rules 43, 43(a), 44, 44(a) and 51(h) and  
18 (i).

19 **COUNT FOURTEEN (File No. 02-2510):**

20 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
21 specifically, ERs 1.4, 1.15, 8.1(b) and 8.4(b) and (c) and Rules 43, 44 and 51(h) and (i).

22 **COUNT FIFTEEN (File No. 03-0143):**

1 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
2 specifically, ERs 1.2, 1.3, 1.4, 1.15, 1.16(a) and (d), 3.2, 3.4(c), 5.3, 5.5, 8.1(b),8.4(c) and (d)  
3 and Rules 43, 44, 51(e), (h), (i) and 63.

4 **COUNT SIXTEEN (File No. 03-0218):**

5 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
6 specifically, ERs 1.2, 1.3, 1.4, 1.5, 1.15, 1.15(b), 1.16(a) and (d), 3.2, 3.4, 8.1(b), 8.4(c) and  
7 Rules 43, 44, 51(e), (h), (i) and (k) and 63.

8 **COUNT SEVENTEEN (File No. 03-0270):**

9 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
10 specifically, ERs 1.2, 1.3, 1.4, 1.15, 1.16(a), 3.2, 3.4(c), 8.1(b), 8.4(b) and (c) and Rules 43, 44,  
11 51(e), (h), (i) and (k) and 63.

12 **COUNT EIGHTEEN (File No. 03-0271):**

13 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
14 specifically, ERs 8.1(b) and 8.4(c) and Rule 51(h) and (i).

15 **COUNT NINETEEN (File No. 03-0281):**

16 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
17 specifically, ERs 1.2, 1.3, 1.4, 1.5, 1.15, 1.16(a) and (d), 8.1(b) and Rules 43, 44 and 51(h) and  
18 (i).

19 **COUNT TWENTY (File No. 03-0287):**

20 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
21 specifically, ERs 1.2, 1.3, 1.4, 1.15, 1.16(a), 3.2, 3.4(c), 8.1(b), 8.4(c) and Rules 43, 44, 51(e),  
22 (h), (i) and (k) and 63.

23 **COUNT TWENTY-ONE (File No. 03-0311):**

1 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
2 specifically, ERs 1.2, 1.3, 1.4, 1.15, 1.16(a) and (d), 3.2, 3.4(c), 8.1(b), 8.4(c) and Rules 43, 44,  
3 51(e), (h), (i) and (k) and 63.

4 **COUNT TWENTY-TWO (File No. 03-0317):**

5 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
6 specifically, ERs 1.2, 1.3, 1.4, 1.16(a) and (d), 3.2, 3.4(c), 8.1(b) and Rules 51(e), (h), (i) and  
7 (k) and 63.

8 **COUNT TWENTY-THREE (File No. 03-0369):**

9 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
10 specifically, ERs 1.2, 1.3, 1.4, 1.5, 1.15, 1.16(a) and (d), 3.2, 3.4(c), 8.1(b), 8.4(c), and Rules  
11 43, 44, 51(e), (h), (i) and (k) and 63.

12 **COUNT TWENTY-FOUR (File No. 03-0370):**

13 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
14 specifically, ERs 1.4, 1.5, 1.15, 1.16(a) and (d), 3.4(c), 8.1(b), and Rules 43, 44, and 51(e), (h),  
15 (i) and (k) and 63.

16 **COUNT TWENTY-FIVE (File No. 03-0390):**

17 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
18 specifically, ERs 1.2, 1.3, 1.4, 1.15(b), 1.16(a) and (d), 3.2, 3.4(c), 8.1(b), 8.4(c) and Rules 43,  
19 44, 51(e), (h), (i) and (k) and 63.

20 **COUNT TWENTY-SIX (File No. 03-0445):**

21 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
22 specifically, ERs 1.4, 1.15, 1.16(a) and (d), 3.4(c), 8.1(b), and Rules 43, 44, 51(e), (h), (i) and  
23 (k) and 63.  
24  
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1 **COUNT TWENTY-SEVEN (File No. 03-0454):**

2 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
3 specifically, ERs 1.2, 1.3, 1.4, 1.15, 1.16(a) and (d), 3.2, 3.4(c), 8.1(b), 8.4(c) and Rules 43, 44,  
4 51(e), (h), (i) and (k) and 63.

5 **COUNT TWENTY-EIGHT (File No. 03-0455):**

6 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
7 specifically, ERs 1.15, 3.4(c), 8.1(b), 8.4(b) and Rules 43, 44, 51(e), (h), (i) and (k) and 63.

8 **COUNT TWENTY-NINE (File No. 03-0463):**

9 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
10 specifically, ERs 1.2, 1.3, 1.4, 1.15, 1.16(a), 3.2, 3.4(c), 8.1(b) and Rules 43, 44, 51(e), (h), (i)  
11 and (k) and 63.

12 **COUNT THIRTY (File No. 03-0409):**

13 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
14 specifically, ERs 1.4, 1.15(b), 1.16(a) and (d), 8.1(b), 8.4(d) and Rules 43, 44, 51(h) and (i) and  
15 63.

16 **COUNT THIRTY-ONE (File No. 03-0410):**

17 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
18 specifically, ERs 1.3, 1.4, 1.15(b), 1.16(a) and (d), 3.2, 8.1(b), 8.4(c) and (d) and Rules 43, 44,  
19 51(h) and (i) and 63.

20 **COUNT THIRTY-TWO (File No. 03-0424):**

21 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
22 specifically, ERs 1.2, 1.3, 1.4, 1.15(b), 1.16(a) and (d), 3.2, 8.1(b), 8.4(c) and (d) and Rules 43,  
23 44, 51(h) and (i) and 63.

1 **COUNT THIRTY-THREE (File No. 03-0481):**

2 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
3 specifically, ERs 1.2, 1.3, 1.4, 1.15(b), 1.16(a) and (d), 3.2, 8.1(b), 8.4(d) and Rules 51(h) and  
4 (i) and 63.

5 **COUNT THIRTY-FOUR (File No. 03-0504):**

6 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
7 specifically, ERs 8.1(b) and 8.4(b) and (c) and Rule 51(h) and (i).

8 **COUNT THIRTY-FIVE (File No. 03-0528):**

9 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
10 specifically, ERs 1.3, 1.4, 1.15(b), 1.16(a), 8.1(b), 8.4(b) and (c) and Rules 43, 44, 51(h) and (i)  
11 and 63.

12 **COUNT THIRTY-SIX (File No. 03-0533):**

13 Respondent's conduct as described in this count violates Rule 42, Ariz. R. S. Ct.,  
14 specifically, ERs 1.3, 1.4, 1.5, 1.15(b), 8.1(b), 8.4(c) and Rules 43, 44, 51(h) and (i) and 63.

15 **TOTAL RULE VIOLATIONS**

16		
17	<b>ER 1.1</b>	<b>3 Violations</b>
18	<b>ER 1.2</b>	<b>22 Violations</b>
19	<b>ER 1.3</b>	<b>25 Violations</b>
20	<b>ER 1.4</b>	<b>31 Violations</b>
21	<b>ER 1.5</b>	<b>11 Violations</b>
22	<b>ER 1.15</b>	<b>31 Violations</b>
23	<b>ER 1.16</b>	<b>22 Violations</b>
24	<b>ER 3.2</b>	<b>13 Violations</b>
25		

1	<b>ER 3.3</b>	<b>1 Violation</b>
2	<b>ER 3.4</b>	<b>13 Violations</b>
3	<b>ER 4.1</b>	<b>1 Violation</b>
4	<b>ER 5.3</b>	<b>1 Violation</b>
5	<b>ER 5.5</b>	<b>1 Violation</b>
6	<b>ER 8.1</b>	<b>36 Violations</b>
7	<b>ER 8.4</b>	<b>22 Violations</b>
8	<b>Rule 31</b>	<b>1 Violation</b>
9	<b>Rule 41</b>	<b>1 Violation</b>
10	<b>Rule 43</b>	<b>30 Violations</b>
11	<b>Rule 44</b>	<b>30 Violations</b>
12	<b>Rule 51</b>	<b>36 Violations</b>
13	<b>Rule 63</b>	<b>19 Violations</b>

**ABA STANDARDS**

The ABA Standards for Imposing Lawyer Sanctions (1991) assist in determining the appropriate sanction in this matter. In applying the Standards, the Supreme Court considers (a) the duty violated; (b) respondent’s mental state; (c) the injury to the client; and (d) any aggravating or mitigating factors. In cases of multiple charges of misconduct, the Standards suggest the attorney be sanctioned for the most serious misconduct with the additional instances of misconduct treated as aggravating factors. See Theoretical Framework of the ABA Standards.

1 In this case, the most serious misconduct relates to Respondent's repeated conversion  
2 of client funds. Standard 4.1 sets forth the appropriate sanction when a lawyer fails to  
3 preserve the client's property. Standard 4.11 states,

4 Disbarment is generally appropriate when a lawyer knowingly  
5 converts client property and causes injury or potential injury to a  
6 client.

7 The State Bar's Complaint in this matter sets out several counts where settlement  
8 proceeds or other funds were deposited into Respondent's trust account and subsequently  
9 converted by the Respondent for her own use. For example, in Count Five, Respondent was to  
10 hold \$72,614.57 in her trust account on behalf of the Prestons in order to assist the Prestons  
11 with the purchase of a home. A review of Respondent's trust account records at the time this  
12 matter was investigated revealed there were no funds in Respondent's account. In Count Ten,  
13 Respondent received at least \$80,500.00 in settlement proceeds on behalf of the Messana  
14 family that Respondent converted for her own use. In Count Fourteen, Respondent persuaded  
15 the Smiths to deposit approximately \$30,000.00 they had received from the death of their son  
16 into Respondent's trust account. To date, the Smiths have not received any of the money given  
17 to Respondent. In Count Seventeen, Maribel Collier, a seventy-four year old woman living in a  
18 nursing home, had entrusted Respondent with approximately \$21,000.00 to hold in  
19 Respondent's trust account during bankruptcy proceedings. Those funds are gone, having been  
20 converted by Respondent.  
21  
22

23 Respondent failed to perform the services requested by the clients, failed to  
24 communicate with the clients, then abandoned the representation, causing serious or potentially  
25

1 serious injury. *Standard 4.4* sets forth the appropriate sanction when a lawyer acts with a lack  
2 of diligence. *Standard 4.41* states,

3 Disbarment is generally appropriate when (a) a lawyer abandons  
4 the practice and causes serious or potentially serious injury to a  
5 client; or (b) a lawyer knowingly fails to perform services for a  
6 client and causes serious or potentially serious injury to a client;  
7 or (c) a lawyer engages in a pattern of neglect with respect to  
8 client matters and causes serious or potentially serious injury to a  
9 client.

10  
11 Respondent engaged in deceitful a pattern of conduct by accepting client money,  
12 performing no services, and then converting client funds. *Standard 4.6* sets forth the  
13 appropriate sanction when a lawyer acts with a lack of candor. *Standard 4.61* states,

14 Disbarment is generally appropriate when a lawyer knowingly  
15 deceives a client with the intent to benefit the lawyer or another,  
16 and causes serious injury or potentially serious injury to the  
17 client.

18 Respondent deceived each of her clients into believing she would perform the services  
19 the clients had paid Respondent to perform and failed to do so. Respondent clearly benefited  
20 financially from her misconduct, to the detriment of her clients. According to *Standard 4.61*,  
21 disbarment is the appropriate sanction.

22  
23 Respondent conduct was fraudulent, deceitful, and several counts allege outright  
24 criminal activity. In fact, Respondent is currently the subject of an ongoing investigation by  
25 the Office of the Attorney General.

1 Respondent knowingly violated her duty to her clients, the public, and the legal  
2 profession as a whole. Respondent's conduct caused serious injury to her clients. For all of the  
3 reasons stated above, and according to the ABA Standards, the presumptive sanction for  
4 Respondent's conduct is disbarment.

### 5 **AGGRAVATING AND MITIGATING FACTORS**

6 Once the presumptive sanction is determined, the *Standards* identify the aggravating  
7 and mitigating factors that may increase or decrease the presumptive sanction. *Standard 9.0; In*  
8 *re Ockrassa*, 165 Ariz. 576, 799 P.2d 1350 (1990). An analysis of the aggravating/mitigating  
9 factors further support the imposition of disbarment in this matter.

#### 10 **AGGRAVATING FACTORS:**

11  
12 Standard 9.22 (a) prior disciplinary offenses. On October 29, 2003 the Supreme  
13 Court disbarred Respondent for conduct in File Nos. 01-1045, 01-1406, 01-1699, 01-1730, 01-  
14 2218, 01-2266, 01-2285, and 01-2459.

15 Standard 9.22(b) dishonest or selfish motive. As set forth above, Respondent  
16 knowingly took client money and converted it for her own use. In several instances,  
17 Respondent actively enticed clients to entrust her with their funds, only to turn around and  
18 convert them for her own use.

19 Standard 9.22 (c) a pattern of misconduct. This case involves 36 counts of alleged  
20 misconduct, most alleging identical or substantially similar misconduct. In addition,  
21 Respondent was disbarred for similar conduct in File Nos. 01-1045, 01-1406, 01-1699, 01-1730,  
22 01-2218, 01-2266, 01-2285, and 01-2459.

23  
24 Standard 9.22 (d) multiple offenses. There are 36 separate complainants in this case,  
25 each alleging multiple ethical violations by Respondent.

1           Standard 9.22 (e) bad faith obstruction of the disciplinary proceedings by intentionally  
2 failing to comply with the rules or orders of the disciplinary agency. Respondent failed to  
3 respond to inquiries by the State Bar concerning her conduct. In addition, Respondent failed to  
4 appear or otherwise participate in the discipline proceedings.

5           Standard 9.22 (h) vulnerability of the victims. The complainants in these cases were  
6 Respondent's clients to whom she owed a duty to diligently perform the services she had been  
7 paid to perform. Instead, Respondent violated the trust the clients had placed in her by failing  
8 to complete the services she had agreed to perform and failing to account for or return unearned  
9 funds. Several of the clients were already experiencing financial problems which caused them  
10 to seek Respondent's assistance in filing bankruptcy. Respondent took their money and then  
11 abandoned the representation. In addition, several complainants suffered substantial financial  
12 losses due to Respondent's misconduct.

13           Standard 9.22 (j) indifference to making restitution. To date, Respondent has not  
14 provided an accounting or repaid any of her clients.

15  
16 **MITIGATING FACTORS**

17           There appear to be no mitigating factors present in this case. During the course of the  
18 prior disciplinary proceedings, Respondent asserted she was suffering from cancer. However,  
19 Respondent provided no documentation to support those claims, even though she was  
20 specifically invited to do so by the Hearing Officer at the hearing on January 28, 2003. Due to  
21 Respondent's failure to document her claim of disability, little to no weight should be given to  
22 this factor.

23  
24           Because the aggravating factors significantly outweigh any mitigation that could  
25 possibly exist, disbarment is the appropriate sanction.

1 **PROPORTIONALITY REVIEW**

2 In deciding the appropriate sanction, the Supreme Court looks to sanctions imposed in  
3 similar cases. *In re Pappas*, 159 Ariz. 516, 768 P.2d 1161 (1988). As the Court pointed out in  
4 *Matter of Owens*, 182 Ariz. 121, 127, 893 P.2d 1284, 1290 (1995), “this is an imperfect process  
5 because no two cases are ever alike.” However, the State Bar believes the following case is on  
6 point and instructive.

7  
8 In the Matter of Sivic, SB-02-0034-D (2002), the Supreme Court of Arizona disbarred  
9 Cheryl Sivic for violations of ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.16(d), 4.2, 5.5, 8.1(b), 8.4, and Rules  
10 51(h) and (i). That case involved multiple clients who paid Sivic money to perform services  
11 that were never performed. Sivic failed to communicate with her clients, failed to return  
12 documents, and failed to return unearned fees. Sivic was on suspension at the time she  
13 accepted some of the clients. Additionally, Sivic failed to cooperate during the disciplinary  
14 proceedings. In making its recommendation of disbarment, the Commission relied on five  
15 cases in support disbarment as the appropriate sanction; In the Matter of Engan, 170 Ariz. 409,  
16 825 P.2d 468 (1992); In the Matter of Grant, 169 Ariz. 498, 821 P.2d 159 (1991); In the Matter  
17 of Jones, 169 Ariz. 19, 816 P.2d 916 (1991); In the Matter of Kobashi, 181 Ariz. 253, 889 P.2d  
18 611 (1995); In the Matter of Nefstead, 163 Ariz. 518, 789 P.2d 385 (1990); and In the Matter of  
19 Woltman, 178 Ariz. 548, 875 P.2d 781 (1994). In the cases cited, the respondents took client  
20 money, failed to perform the services they were retained to perform, failed to communicate  
21 with the clients, failed to refund client money, and failed to participate in the disciplinary  
22 process. In several cases, the Court found the respondent had knowingly converted client  
23 funds, to the detriment of the clients. The respondent in Kobashi converted \$15,000.00 of client  
24 money for his own use. In Jones, the Supreme Court noted that respondent’s conversion of  
25

1 \$5000.00 of client money was theft and that the *Standards* supported disbarment. The Court  
2 went on to state “there can be no more egregious act of professional misconduct than the theft  
3 of a client’s funds held in trust.” 169 Ariz. at 21.

4 The Respondent’s conduct in the present case is substantially similar to Sivic and the  
5 cases cited therein. Respondent converted significant client funds for her own use, failed to  
6 diligently represent clients, failed to communicate with clients, failed to notify clients of her  
7 suspension from the practice of law, abandoned clients, committed criminal acts, and failed to  
8 cooperate with the State Bar. Given the lack of mitigation, the presumptive sanction is  
9 disbarment.

10  
11 **RECOMMENDED SANCTION**

12 Based upon the facts of this case, the application of the *Standards*, and the applicable  
13 case law, it is the recommendation of the Hearing Officer that Respondent be disbarred.  
14 Respondent is a disgrace to the legal profession and has caused significant harm to her clients,  
15 most of whom will never recover their financial losses. However, Respondent should be  
16 ordered to pay restitution and be assessed the costs and expenses associated with the  
17 disciplinary proceedings.

18 **RESTITUTION**

19 Based upon the facts stated above which were deemed admitted by Respondent’s  
20 default, the Hearing Officer recommends restitution be paid to the following:

21  
22 Sean Foley: \$ 625.00  
23 Calvin & Michelle Cole: \$ 9,594.70  
24 Gary Musser: \$ 2,500.00  
25 Norman Jones: \$ 5,000.00

1	Mr. & Mrs. Preston:	\$ 72,614.57
2	Joseph Hills:	\$ 1,650.00
3	Heather Coleman:	\$ 1,000.00
4	Vito Messana:	\$ 80,500.00
5	Olga Hall & Maxine Hanashiro:	\$ 12,000.00
6	Elizabeth Williams:	\$ 37,000.00
7	Billy & Catherine Smith:	\$ 30,000.00
8	Glen & Deborah Love:	\$ 2,500.00
9	David Wooten:	\$ 650.00
10	Maribel Collier:	\$ 22,500.00
11	William Pacini:	\$ 10,157.00
12	Nicolette Storck:	\$ 1,500.00
13	Barbara Ledden:	\$ 950.00
14	Joyce Woodard:	\$ 950.00
15	Marian Talmon:	\$ 950.00
16	Abe & Andrea Chaira:	\$ 1,050.00
17	Alfred & Kathleen Moreno:	\$ 1,450.00
18	William Witzka:	\$ 1,000.00
19	Donald Repp:	\$ 1,500.00
20	Marsha Steensland:	\$ 2,000.00
21	Dr. Sandra Smith:	\$ 4,770.26
22	Roberta Gudenkauf:	\$ 2,760.00
23	Anthony Major:	\$ 3,250.00
24		
25		

1 David & Sandra Bryzelak: \$ 2,935.00  
 2 John & Kathy Giunta: \$ 600.00  
 3 Joseph Sondej: \$ 950.00  
 4 Ricki & Roy Ray: \$ 40,419.18  
 5 Richard Osborn: \$ 2,500.00  
 6 **TOTAL RESTITUTION: \$357,825.71**

7 DATED this \_\_\_\_ day of November, 2003.  
 8

9 \_\_\_\_\_  
 10 Robert J. Lord  
 11 Hearing Officer 6L

12 Original filed with the Disciplinary Clerk  
 13 this \_\_\_\_ day of November, 2003.

14 Copy of the foregoing mailed  
 15 this \_\_\_\_ day of November, 2003, to:

16 Christine M. Powell  
 17 Bar Counsel  
 18 State Bar of Arizona  
 19 111 West Monroe, Suite 1800  
 20 Phoenix, AZ 85003-1742

21 Arla H. Blasingim-Stenzel  
 22 Respondent  
 23 8751 N. 51<sup>st</sup> Avenue, Suite 101  
 24 Glendale, Arizona 85302-4942

25 and

26 Arla H. Blasingim-Stenzel  
 27 Respondent  
 28 2156 N. 58<sup>th</sup> Drive  
 29 Glendale, Arizona 85308

30 by \_\_\_\_\_