

FILED

JUN 09 2005

HEARING OFFICER OF THE
SUPREME COURT OF ARIZONA
BY *Williams*

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

IN THE MATTER OF A MEMBER)	Nos. 03-0918, 03-1311, 03-1340
OF THE STATE BAR OF ARIZONA,)	03-1354, 03-1442, 03-1540
)	03-1601, 03-1630, 03-1781
DAVID M. HAMPTON,)	03-1874, 03-1959, 03-1973
Bar No. 020482)	03-2103, 03-2207, 04-0003
)	04-0021, 04-0111, 04-0272
)	04-0384, 04-0541, 04-0549
)	04-0648
)	
RESPONDENT.)	HEARING OFFICER'S REPORT

PROCEDURAL HISTORY

The State Bar filed a Complaint on December 30, 2004. Respondent did not file an answer. The parties filed a Tender of Admissions and Agreement for Discipline by Consent (Tender) and a Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memo) on May 10, 2005. A hearing on the Tender and Joint Memo was held on May 25, 2005.

FINDINGS OF FACT

1. Respondent was at all relevant times an attorney licensed to practice law in Arizona, having been admitted to the State Bar on October 23, 2000.
2. Respondent graduated from the University of Toledo with a law degree in 2000. He moved to Arizona and took and passed the bar exam that

1 same year, and began working with a sole practitioner in Cave Creek, doing
2 mostly research.

3
4 3. After a few months, Respondent answered an advertisement in the
5 newspaper and took a job as a lawyer with the law firm of Kirkland & Associates
6 in Phoenix.

7
8 4. While he was at Kirkland & Associates, Respondent helped Kirkland
9 set up a "satellite" office in Mesa that focused on Chapter 7 bankruptcies,
10 uncontested divorces, and small-scale consumer litigation. Respondent began
11 spending his days practicing law at the Mesa office.

12
13 5. In mid 2002, Kirkland informed Respondent that he expected to be
14 suspended from the practice of law for four years. Respondent and Kirkland
15 discussed the situation and resolved that Respondent would become the head of
16 the firm, and Kirkland would serve as his legal assistant.

17
18 6. In early 2003, Respondent executed this plan by forming the firm of
19 Hampton & Associates. Respondent, who had been out of law school for only
20 three years, became the head of the new law firm and took on responsibility for
21 running two law offices, with four attorneys and about seven staff members
22 working under him. The firm took in about twelve new small consumer matters
23 per week in its Phoenix office, as well as managing larger ongoing divorce, civil
24 litigation, and business/transactional work.
25

1 7. In 1991, Congress passed the Telephone Consumer Protection Act,
2 47 U.S.C. §227 ("TCPA"), to curtail telemarketing phone calls. TCPA also
3
4 outlaws fax advertisements sent without prior consent and makes the sender liable
5 for up to \$1,500.00 per fax.

6 8. FCC Enforcement Company, a dba for Quality Streamline
7 Management Services ("QSMS/FCC Enforcement Co.") purchased unsolicited
8 facsimiles from third parties and obtained assignments of the recipient's claims
9 under TCPA.
10

11 9. QSMS/FCC Enforcement Co. also pursued claims arising out of
12 allegedly unsolicited facsimiles received by QSMS/FCC Enforcement Co. The
13 majority of cases handled by QSMS/FCC Enforcement Co. arose out of
14 facsimiles bought from third parties, as opposed to facsimiles received by
15 QSMS/FCC Enforcement Co.
16

17 10. Respondent and/or his law firm of Hampton & Associates, P.C.
18 initially represented QSMS/FCC Enforcement Co. By mid-2003, Respondent
19 was overseeing a rapidly increasing number of TCPA cases coming into to the
20 firm.
21

22 11. At all times relevant to this complaint, Kirkland, a suspended lawyer,
23 was allegedly a managing member of QSMS/FCC Enforcement Co. At all times
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25

1 relevant to this complaint, Kirkland was also Respondent's paralegal/legal
2 assistant.

3
4 12. Kirkland directed Respondent's staff as to how to deal with legal
5 issues regarding QSMS/ FCC Enforcement Co.

6 13. Respondent soon encountered a number of stresses associated with
7 his new role as head of Hampton & Associates.

8
9 14. First, around the time that the firm was formed, his wife became
10 pregnant. Because his wife had suffered three miscarriages in prior pregnancies,
11 Respondent and his wife were naturally concerned about the possibility of
12 complications. Complications unfortunately did develop, as his wife during the
13 pregnancy developed a cyst on her pituitary gland, and Respondent was
14 frequently called away from work to accompany her to medical appointments
15 during the pregnancy.
16

17 15. Second, Respondent began to sense that a power struggle between
18 Mr. Kirkland and Respondent was developing within the firm. Respondent spent
19 much of the workweek out of the office at court appearances, mostly in Justice
20 Courts scattered throughout the valley. When he returned to the office,
21 Respondent would frequently sense that Mr. Kirkland had been "calling the
22 shots" in his absence and that the staff, who had worked for Mr. Kirkland much
23 longer than they had worked for Respondent, had accepted or acquiesced in Mr.
24
25

1 Kirkland's direction in Respondent's absence. See Exhibit A to Tender ¶¶ 8
2 (common to all counts), 15 (Count One), 47, 52, 54, 56 (Count Three), 122
3 (Count Seven), 201, 205 (Count Thirteen), 324 (Count Twenty-One).
4

5 16. Third, as Respondent began reviewing the status of matters that had
6 been handled by Kirkland prior to his suspension; he discovered that these clients
7 required extra attention, as Kirkland had not been giving their cases sufficient
8 attention. Respondent suspected that Kirkland had been distracted by the pending
9 disciplinary proceeding, and had for this reason failed to exercise sufficient
10 oversight with respect to these cases. Respondent made it a priority to improve
11 the client service being provided in these cases.
12

13
14 17. Around the time that Hampton & Associates was formed, a client
15 approached Respondent about a demand letter the client had received with respect
16 to a fax advertisement. Respondent researched the matter and began learning
17 about the Telephone Consumer Protection Act ("TCPA"), a federal statute that
18 enables individuals to sue and collect \$500 or more in damages for each
19 unsolicited fax advertisement that they receive. See 47 U.S.C. § 227. He
20 discussed the statute with Mr. Kirkland, who began researching it in depth.
21

22
23 18. After Respondent and Kirkland had researched the TCPA, Hampton
24 & Associates developed a practice prosecuting TCPA claims against the senders
25 of unsolicited fax advertisements.

1 19. As the firm's TCPA work was expanding, Kirkland approached
2 Respondent with a plan to expand the work still further. Kirkland proposed that
3 his brother, Victor, form a company that would purchase TCPA causes of action
4 from businesses that had received unsolicited faxes, and then prosecute the causes
5 of action against the senders. The plan also assumed that Hampton & Associates
6 would represent the company in these lawsuits. Respondent researched the
7 pertinent ethical rules and determined that the plan was acceptable. The company
8 was eventually named Quality Streamline Management Services ("QSM").
9

10
11 20. Respondent discussed with Kirkland the manner in which Mr.
12 Kirkland would handle phone calls relating to the firm's TCPA and other
13 litigation. The two agreed that Kirkland would in every case identify himself as
14 Respondent's assistant and that if anyone asked, he would state that he was not a
15 licensed attorney. Respondent directed Kirkland to take care that he did not
16 misrepresent his status to any caller. With these conditions, it was agreed that
17 Kirkland would handle the calls that came in regarding the TCPA litigation.
18
19

20 21. QSM got off to a quick start, with Kirkland and his brother
21 controlling most of its operations and Kirkland communicating mainly with his
22 brother, rather than with Respondent. Soon a legal assistant at the firm suggested
23 that her sister could also form a company that would purchase TCPA causes of
24 action from recipients of unsolicited fax advertisements. Respondent approved
25

1 the idea, and another company named Fax Exterminators was formed. It, too,
2 was represented by Hampton & Associates with respect to its TCPA lawsuits.
3 The firm also represented some TCPA plaintiffs directly, on a contingent-fee
4 basis.
5

6 22. Although the volume of the firm's TCPA business increased rapidly,
7 it soon became apparent that the TCPA litigation was not generating any revenue
8 for Respondent. QSM and Fax Exterminators supplied the firm with only the
9 faxed advertisements, and in only a small percentage of cases was it possible to
10 identify the senders of the faxes. Investigating the source of the faxes was time-
11 consuming and expensive. Even when the firm could locate the appropriate
12 defendants, only a small percentage of them would pay the damages required by
13 the statute. In other cases, defendants would mount large-scale defenses resulting
14 in major litigation, which proved very expensive.
15

16 23. Respondent was responsible for making all court appearances in
17 connection with the TCPA litigation. The TCPA litigation was proving
18 extremely time-consuming at the same time Respondent was finding it necessary
19 to "put out fires" in Mr. Kirkland's former lawsuits, and to help his wife deal with
20 medical problems developing in the course of her pregnancy.
21
22

23 24. In the summer of 2003, the firm was unable to make payroll, and
24 was forced to lay off employees. These stresses were exacerbated when the firm
25

1 began to receive a steadily mounting number of bar complaints relating to its
2 TCPA cases. The complaints, filed against both Respondent and Mr. Kirkland,
3 raised a number of grievances. Some complainants alleged that the firm's TCPA
4 business was a "racket." Some alleged that the firm had a conflicted role as both
5 client and attorney. Some complained that when they called to speak to
6 Respondent they always spoke only to Mr. Kirkland. Some noted that Mr.
7 Kirkland had been suspended, but seemed to be practicing law anyway. *See*
8 Exhibit A to Tender ¶¶ 8 (common to all counts), 14, 15 (Count One), 47, 49, 52,
9 54, 55, 56, 61, 62 (Count Three), 122 (Count Seven), 199, 201, 205 (Count
10 Thirteen), 230, 235 (Count Fifteen), 267 (Count Seventeen), 324, 325 (Count
11 Twenty-One).

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15 25. Each time he reviewed a complaint letter alleging that Kirkland had
16 made decisions appropriate only for a licensed attorney; Respondent approached
17 Kirkland, asked him to pull the file in question, and reviewed Kirkland's notes.
18 Kirkland always insisted that he had discussed with the callers only the amount
19 the defendants would settle for, and his notes supported these representations.
20 Likewise, when a complaint letter alleged that a staff member had identified
21 Kirkland as an attorney, Respondent approached the staff member and asked
22 them about the allegation. In each case, the staff member denied the allegation.
23
24
25

1 26. Respondent should have delved deeper into the allegations of the
2 complaints regarding the conduct of Kirkland, but did not. See Exhibit A to
3 Tender at ¶¶ 18-19, 25 (Count One), 61-62, 68 (Count Three), 75-76, 81 (Count
4 Four), 139-40, 145 (Count Eight), 236-37, 243 (Count Fifteen), 271-72, 277
5 (Count Seventeen), 326-27, 332 (Count Twenty-One). He was at the time dealing
6 with a number of simultaneous stressful situations, including his wife's difficult
7 pregnancy, the power struggle within the firm, the litigation he had inherited from
8 Kirkland, and his own efforts to master the administration of a law firm after
9 having been a lawyer only for a short while. His ability to monitor Kirkland's
10 conduct was also compromised by the fact that he spent roughly half of his time
11 out of the office at court appearances, and that his limited time in the office was
12 largely absorbed in dealing with Kirkland's former cases and the firm's ongoing
13 large-scale litigation. Respondent's ability to respond properly to the complaints
14 was further impaired by depression brought on by these overlapping stresses. See
15 Reports attached as Exhibits B and C to Tender from Hal Nevitt, Director,
16 Member Assistance Program, State Bar of Arizona, and Dr. Mitchell Roefe, a
17 psychiatrist.
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23 27. Respondent's depression was not diagnosed and treated until the end
24 of 2003, when Respondent was seen by Dr. Roefe. In his depressed state in the
25 fall of 2003, Respondent dreaded going into the office, and on many days he

1 could not bring himself to go to work at all. His depression also contributed to
2 his making poor judgments, as when he in some cases improperly dismissed
3 allegations raised in complaint letters as simply the product of the defendants'
4 anger at having been the subject of TCPA claims, instead of legitimate
5 complaints.
6

7 28. In many of the instances addressed in the complaints, Mr. Kirkland
8 had purposely caused or permitted callers to believe that he was a practicing
9 attorney. Mr. Kirkland also had in many cases made decisions that were properly
10 made only by an attorney. See Exhibit A to Tender ¶¶ 14, 15 (Count One), 49,
11 52, 54, 55, 56, 61, 62 (Count Three), 199 (Count Thirteen), 230, 235 (Count
12 Fifteen), 267 (Count Seventeen), 324, 325 (Count Twenty-One). Respondent was
13 made aware of these problems by the letters, but in some cases he failed to take
14 reasonable remedial measures, or to make reasonable efforts to ensure that such
15 actions did not continue.
16
17

18 29. Respondent's wife gave birth to a healthy baby in December 2003.
19 When he returned to work, Respondent resolved to take the management of the
20 firm's finances over from Mr. Kirkland. Mr. Kirkland declared that the two could
21 not continue their association if Mr. Kirkland was not permitted to manage the
22 firm's finances. Respondent and Mr. Kirkland decided to part company.
23
24
25

1 Respondent conditionally admits that he violated ER 3.4(c) in Count 16 by
2 failing to supervise Kirkland to make sure he was not propounding burdensome
3 discovery.
4

5 Respondent conditionally admits that he violated ER 4.2 in Counts 9 and
6 14 when he contacted people involved in the TCPA litigation who were
7 represented by counsel.
8

9 Respondent conditionally admits that he violated ER 5.3(a), (b) and (c) in
10 Counts 1, 3, 4, 8, 15, 17, and 21 by failing to make reasonable efforts to ensure he
11 had in effect measures giving reasonable assurance that Kirkland's conduct was
12 compatible with Respondent's professional obligations, and by failing to take
13 reasonable remedial action when he knew, or should have known, of Kirkland's
14 conduct at a time when the consequences could have been avoided or mitigated.
15

16 Respondent conditionally admits that he violated ER 5.5(b) in Counts 1, 3,
17 4, 7, 8, 13, 15, 17, and 21 by enabling Kirkland to engage in activity that
18 constituted the unauthorized practice of law.
19

20 Respondent conditionally admits that he violated ER 8.4(d) in Counts 1, 3,
21 6, 7, 9, 10, 11, 12, 13, 15, 16, 18, 19, and 20 by failing to supervise Kirkland's
22 activities.
23

24 The State Bar conditionally admits that it cannot prove the alleged ethical
25 violations in the following Counts:

1 ER 3.1 in Count 12;

2 ER 3.3(a) in Counts 3, 5, 6, 7, 9, 10, 12, 16, 19, and 20;

3 ER 3.4(c) in Count 9;

4 ER 8.1(b) in Count 2;

5 ER 8.4(a) in Counts 2, 3, 4, 8, 11, 15, 17, and 21; and

6 ER 8.4(c) in Counts 1,2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17,
7
8
9 18, 19, 20, and 21.

10 Based on the above conditional admissions by the State Bar, although it
11 believes it could prove many of the facts in Count 2, it does not believe it could
12 prove violations of ERs 8.1(b) and 8.4(a) and (c) and, therefore, conditionally
13 dismisses Count 2.
14

15 ABA STANDARDS

16 The ABA *Standards* list the following factors to consider in imposing the
17 appropriate sanction: (1) the duty violated, (2) the lawyer's mental state, (3) the
18 actual or potential injury caused by the lawyer's misconduct, and (4) the
19 existence of aggravating or mitigating circumstances. ABA *Standard* 3.0.
20

21 The parties indicated that *Standard* 7.2 is the most applicable in this matter.
22 A review of ABA *Standard* 7.0 (Violations of Other Duties Owed as a
23 Professional) indicates that suspension is the presumptive sanction for
24 Respondent's misconduct. *Standard* 7.2 specifically provides:
25

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

4 Respondent's misconduct was knowing. Respondent acknowledges that he
5 had an affirmative duty to prevent Mr. Kirkland from misrepresenting his status
6 as an attorney, and that he knew or should have known that Mr. Kirkland was not
7 conforming to Respondent's directives.
8

9 If this matter were to proceed to a hearing, Respondent would take the
10 position that his failure to adequately supervise Mr. Kirkland was the product of
11 negligence, his own inexperience, the numerous stressful circumstances that were
12 affecting him, and depression that went undiagnosed and untreated until much of
13 the damage was already done. The State Bar would take the position that
14 Respondent's conduct was knowing.
15
16

17 Respondent violated his duties owed as a professional by (1) failing to
18 prevent Kirkland from misrepresenting his status to litigants who called the
19 Hampton & Associates firm; (2) failing to prevent Mr. Kirkland from taking
20 actions in respect to litigation that could properly be performed only by a licensed
21 attorney; (3) failing to prevent Mr. Kirkland from engaging in litigation abuses;
22 and (4) by contacting people directly who were represented by counsel.
23

24 As a result of Respondent's conduct, many litigants involved in lawsuits
25 with Respondent's firm were misled into believing that Mr. Kirkland was a

1 licensed attorney, when in fact he was suspended. Also, opposing litigants were
2 subjected to potential injury because there was a possibility of Mr. Kirkland
3 making inappropriate legal decisions that a licensed attorney would not make.
4 Respondent's conduct caused actual harm to the profession by enabling a
5 suspended lawyer, Charles Kirkland, to engage in the unauthorized practice of
6 law.
7

8 AGGRAVATING AND MITIGATING FACTORS

9
10 This Hearing Officer then considered aggravating and mitigating factors in
11 this case, pursuant to *Standards* 9.22 and 9.32, respectively. This Hearing Officer
12 agrees with the parties that there are two factors present in aggravation in this
13 matter.
14

- 15 (d) multiple offenses; and
16 large number of potential victims.¹

17 This Hearing Officer agrees with the parties that five factors are present in
18 mitigation:
19

- 20 (a) absence of a prior disciplinary record;
21 (c) personal or emotional problems;²
22

23
24 ¹ In *In re Galbasini*, 163 Ariz. 120, 786 P.2d 971 (1990), the Supreme Court stated that, although this
25 factor did not fit exactly into the *Standards*, it believed that the "large and potentially larger" number of
clients and members of the public who could have been damaged by an attorney's failure to supervise
non-lawyers under his direct supervision could be considered an aggravating factor.

² See Respondent's Submission of Mitigating Factor Evidence filed on June 3, 2005.

1 (e) full and free disclosure to disciplinary board or cooperative attitude
2 toward proceedings;

3 (f) inexperience in the practice of law; and

4 (l) remorse.

5
6 **PROPORTIONALITY REVIEW**

7 To have an effective system of professional sanctions, there must be
8 internal consistency, and it is appropriate to examine sanctions imposed in cases
9 that are factually similar. *In re Shannon*, 179 Ariz. 52, 71, 876 P.2d 548, 567
10 (1994) (quoting *In re Wines*, 135, Ariz. 203, 207 (1983)). However, the
11 discipline in each case must be tailored to the individual case, as neither
12 perfection nor absolute uniformity can be achieved. *Matter of Riley*, 142 Ariz.
13 604, 615 (1984).

14
15
16 In *In re Struthers*, 179 Ariz. 216, 877 P.2d 789 (1994), Struthers was
17 retained by Child Support Collections ("CSC"), a debt collection agency, owned
18 by Robert Hydrick and run in large measure by John Star, neither of whom was
19 an attorney. During an investigation of CSC by the State Banking Department,
20 Hydrick dissolved CSC and Struthers superficially converted its operations into a
21 law practice. In reality, however, CSC simply continued to operate. Star and
22 Hydrick became Struthers' "legal assistants." Although Struthers nominally
23 maintained his status as an independent attorney, CSC staff ran his office, his
24
25

1 accounting system, and performed other tasks, such as conducting client
2 interviews. Star and Hydrick performed essentially the same functions as they
3 had in CSC. Under these circumstances, many of the formalities of a law firm
4 were abandoned, giving rise to numerous ethical violations, including but not
5 limited to fourteen violations of ER 5.3. Although there may often be some
6 question of what is a reasonable effort to ensure proper conduct by nonlawyer
7 employees, at a minimum the lawyer must screen, instruct, and supervise.
8
9 Struthers was disbarred.
10

11 In *In re Galbasini, supra*, the Supreme Court approved the imposition of a
12 six-month suspension for an attorney who, *inter alia*, failed to properly control
13 non-lawyers under his supervision. 163 Ariz. at 121, 786 P.2d at 972. The
14 attorney had entered into an agreement with a debt-collection company that was
15 not licensed to operate in Arizona, and essentially permitted the company “to
16 operate a law office in his . . . name,” exercising “no supervision whatsoever”
17 over the non-lawyer employees who handled debt-collection matters while
18 representing that they were acting by and for his law practice. 163 Ariz. at 124,
19 126, 786 P.2d at 975, 977. The company’s non-lawyer employees solicited legal
20 business on his behalf and failed to abide by the ethical obligations that would be
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1 applicable to attorneys in their position, including by neglecting to remit funds
2 owed to a client and failing to communicate with a client for several months.³

3
4 In *In re Lustig*, Supreme Court No. SB-01-02149-D (2001), Lustig shared
5 office space for approximately one year with attorneys Winski and Tafoya and
6 agreed to share in the responsibility of handling collection matters with attorney
7 Winski. During that time, Lustig negligently failed to supervise two non-lawyers
8 who represented themselves as lawyers while attempting to collect debts and he
9 helped facilitate their unauthorized practice of law. Respondent failed to report
10 attorney Winski's misconduct of fee sharing with a non-lawyer in violation of ER
11 8.3 and used firm letterhead indicating that the firm was a partnership, when in
12 fact it was not, in violation of ER 7.5(d). There were two aggravating factors and
13 three mitigating factors. Lustig was censured and ordered to pay the costs of the
14 disciplinary proceedings.
15
16

17
18 In *In re Olds*, Arizona Supreme Court No. SB-00-0089-D (2000), Olds
19 hired Mark Steinberg, a non-Arizona attorney, as his paralegal to assist in
20 bankruptcy cases. Steinberg represented himself as an attorney to two clients,
21 signed a retainer agreement with one of them, and attempted to handle the second
22 matter, a divorce case, on his own. Olds also allowed Steinberg to place a
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24
25 ³ The Court declined *sua sponte* review of a longer (12-month) suspension in *In re Miller*, 178 Ariz.
257, 872 P.2d 661 (1994), in which the attorney failed to supervise non-lawyer employees who misappropriated client funds and destroyed client files, and also failed to timely respond to the Bar's inquiries in the disciplinary proceeding.

1 misleading advertisement that could have led the public to believe that Olds was a
2 partner with Steinberg. Respondent was negligent in his supervision over
3 Steinberg, which resulted in poor services to the client and advertisements that
4 violated the Supreme Court Rules. Olds was censured, received one year
5 probation, and ordered to pay the costs and expenses of the State Bar. There were
6 two aggravating factors and three mitigating factors.
7

8
9 This case is similar to *In re Struthers* and *In re Galbasini*, in that
10 Respondent basically turned over the TCPA litigation to Kirkland and failed to
11 investigate matters when it became apparent to him that there were numerous telephone
12 calls from defendants and numerous filings with the State Bar. Respondent also
13 failed to supervise any of the non-lawyer staff who reported to Kirkland.
14

15 Unlike *In re Lustig* and *In re Olds*, Respondent's conduct was knowing,
16 not negligent, which is why respondent has agreed to accept a 90-day suspension.
17

18 RECOMMENDATION

19 The purpose of lawyer discipline is not to punish the lawyer, but to protect
20 the public and deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 187, 859
21 P.2d 1315, 1320 (1993). It is also the objective of lawyer discipline to protect the
22 public, the profession and the administration of justice. *In re Neville*, 147 Ariz.
23 106, 708 P.2d 1297 (1985). Yet another purpose is to instill public confidence in
24
25

1 the bar's integrity. *Matter of Horwitz*, 180 Ariz. 20, 29, 881 P.2d 352, 361
2 (1994).

3
4 In imposing discipline, it is appropriate to consider the facts of the case, the
5 American Bar Association's *Standards for Imposing Lawyer Sanctions*
6 (*"Standards"*) and the proportionality of discipline imposed in analogous cases.
7 *Matter of Bowen*, 178 Ariz. 283, 286, 872 P.2d 1235, 1238 (1994).

8
9 Upon consideration of the facts, application of the *Standards*, including
10 aggravating and mitigating factors, and a proportionality analysis, this Hearing
11 Officer recommends acceptance of the Tender of Admissions and Agreement for
12 Discipline by Consent and the Joint Memorandum in Support of Agreement for
13 Discipline by Consent providing for the following:
14

15 1. Respondent shall be suspended for a period of 90 days.
16
17 2. Respondent shall be placed on probation for a period of one year
18 effective upon the signing of the probation contract. Bar Counsel shall notify the
19 Disciplinary Clerk of the date on which the probation begins. The terms of
20 probation are as follows:

21 a. Respondent shall comply with all recommendations of the Law
22 Office Management Assistance Program (LOMAP) director or her designee after
23 an office evaluation and audit is conducted.
24
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Phoenix, AZ 85016-6288

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by: P. Williams

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