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HEARING OFFICER OF THE
SUPREME COURT OF ARIZONA
BY 02408

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

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3 IN THE MATTER OF A MEMBER)
4 OF THE STATE BAR OF ARIZONA,)
5)
6 **C. DUNHAM BILES,**)
7 **Bar No. 020375**)
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RESPONDENT.)

Nos. 06-0124

**HEARING OFFICER'S
REPORT**

PROCEDURAL HISTORY

The State Bar of Arizona filed a one-count Complaint on May 17, 2006, asserting that Respondent was not a member in good standing when he filed an application for default in the Superior Court of Arizona in January 2006. Respondent timely answered the Complaint on June 13, 2006. At the settlement conference held on August 23, 2006, the parties reached a settlement. After reviewing the "Tender of Admissions and Agreement for Discipline by Consent," and the "Joint Memorandum in Support of Agreement for Discipline by Consent," I recommend that the Tender of Admissions be accepted.

FINDINGS OF FACT

At all relevant times, Respondent was a member of the State Bar of Arizona having been admitted to practice law on December 15, 2000.

1. In 2004, Respondent's address on record with the State Bar's Membership Records Department was 1717 Main Street, Dallas, Texas 75201-4651, however Respondent had left that law firm in 2003 for another Dallas law firm.

10 5. Between November 15, 2005, and January 6, 2006, Respondent filed
11 pleadings and papers on behalf of a client in *Americredit Financial Services v. Keith*
12 *Dozier*, Pima County Superior Court No. C-20056321.

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14 6. On or about January 23, 2006, the trial judge discovered that Respondent
15 was not a member in good standing of the bar, and struck his pleadings and referred
16 the matter to the State Bar.

17 7. Prior to receiving any communication from the State Bar concerning the
18 matter, Respondent wrote the State Bar admitting he had not paid his dues for the
19 years 2004, 2005, and 2006.

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21 8. Respondent's failure to pay his dues and inform the State Bar of his
22 database reflected his old address and the State Bar had no prior record of
23 Respondent changing his address. Respondent asserted that he was under the
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erroneous impression that his dues notices were being directly mailed to and directly
1 paid by the accounting staff at his current law firm. He asserted that after he
2 changed firms in Dallas, Texas, he continued to receive routine communications
3 from the State Bar, although those communications could have originated from other
4 organizations that provide CLE opportunities to lawyers.

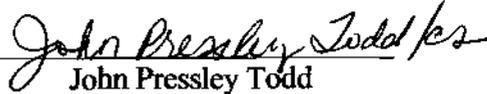
6 CONCLUSIONS OF LAW

7 Respondent's actions in filing the pleadings in the *Americredit* case
8 constituted the practice of law in the State of Arizona in violation of Rule 31(c) and
9 ER 5.5(a), Rule 42, Ariz. R. S. Ct.

10 DISCUSSION OF SANCTIONS

11 The parties recommend an informal reprimand as an appropriate sanction.
12 *See ABA Standard 7.4* (informal reprimand is generally appropriate when a lawyer is
13 negligent and causes little or not actual or potential harm). From the record, no
14 aggravating factors are present. There are at least four mitigating factors: Standards
15 9.32(a) (absence of prior disciplinary record), 9.32(b) (absence dishonest motive);
16 9.32(d) (timely good faith effort to rectify the misconduct); 9.32(e) (cooperative
17 attitude toward proceedings). Because no two cases are exactly alike, the concept of
18 proportionality review can be an imperfect process. *In Matter of Owens*, 182 ariz.
19 121, 127, 893 P.2d 1284, 1290 (1995); *see also State v. Salazar*, 173 Ariz. 399, 417,
20 844 P.2d 566, 584 (1992) (abandoning proportionality review in death penalty
21 cases). That said, the two cases cited by the parties in the Joint Memorandum (*In re*
22 *Tynan*, DC No. 04-0503 and *In re Blake*, SB-03-0022-D) illustrate that no two cases
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9 DATED this 1st day of November, 2006.

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11 
12 John Pressley Todd
Hearing Officer TX

13 Original filed with the Disciplinary Clerk
14 this 1st day of November, 2006.

15 Copy of the foregoing mailed
16 this 2nd day of November, 2006, to:

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