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

IN THE MATTER OF A MEMBER	)	No	06-1956
OF THE STATE BAR OF ARIZONA,	)		
	)		
<b>EDWARD V. LACAMBRA,</b>	)		
<b>Bar No. 002153</b>	)	<b>DISCIPLINARY COMMISSION</b>	
	)	<b>REPORT</b>	
<b>RESPONDENT</b>	)		
_____	)		

This matter first came before the Disciplinary Commission of the Supreme Court of Arizona on March 15, 2008, pursuant to Rule 58, Ariz R Sup Ct , for consideration of the Hearing Officer's Report filed February 28, 2008, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent ("Tender") and the Joint Memorandum ("Joint Memorandum") in Support of Agreement for Discipline by Consent providing for censure, two years of probation, and costs.

The Disciplinary Commission rejected the Agreement and remanded matter to the Hearing Officer for further proceedings See Commission Report filed April 14, 2008 Absent a hearing and based on the conditional admissions, the Commission was not convinced that the agreed-upon sanction was appropriate and fulfilled the purposes of discipline A hearing was held on June 24, 2008

The matter again came before the Commission on September 20, 2008, for consideration of the Hearing Officer's Report After Remand filed August 11, 2008, recommending censure and two years of probation No specific programs or terms and conditions were recommended with probation

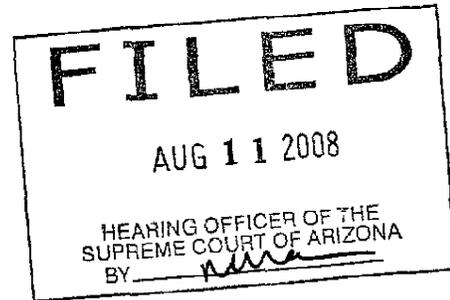


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by   
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7 Hearing Officer 7M



8  
9 **BEFORE A HEARING OFFICER OF**  
10 **THE SUPREME COURT OF ARIZONA**

11 IN THE MATTER OF A MEMBER OF  
12 THE STATE BAR OF ARIZONA,

13 **EDWARD V. LACAMBRA,**  
14 **Bar No. 002153**

15 Respondent.

No. 06-1956

**HEARING OFFICER'S REPORT**  
**AFTER REMAND**

(Assigned to Hearing Officer 7M,  
Daniel P. Beeks)

16 **Procedural Background**

17 1. The parties in this matter previously filed a Tender of Admissions  
18 and Agreement for Discipline by Consent ("Tender"), and a Joint  
19 Memorandum in Support of Agreement for Discipline by Consent ("Joint  
20 Memorandum") agreeing that Respondent Edward V. Lacambra should receive  
21 a censure with two years of probation for violating ERs 1.1, 1.2, 1.3, 1.4, 3.2,  
22 8.1, and 8.4, and Rule 53(f) Ariz.R.Sup.Ct. The Tender and Joint  
23 Memorandum stipulated that respondent Edward V. Lacambra ("Lacambra")  
24 should receive a censure, and be placed on probation for two years.  
25

1           2.     The Hearing Officer accepted the Tender and Joint Memorandum,  
2 and issued a report dated February 27, 2008, in which he recommended that the  
3 Tender be approved and accepted ("the Initial Hearing Officer Report").  
4

5           3.     The Initial Hearing Officer Report, however, questioned whether  
6 Lacambra's repeated failures to respond to client communications were  
7 negligent, as opposed to knowing in light of the client's repeated efforts to  
8 contact him over an extended period of time, using multiple means of  
9 communication. This issue was important because Standard 4.42 of the  
10 American Bar Association Standards for Imposing Lawyer Discipline (1992)  
11 ("ABA Standards") provides that suspension is generally appropriate if an  
12 attorney knowingly failed to perform services requested by a client. Standard  
13 4.43, however, provides that if an attorney is merely negligent in failing to  
14 perform requested services, a censure is generally appropriate.  
15  
16

17           4.     Because the State Bar and Respondent had stipulated that  
18 Standard 4.43 was applicable, the Hearing Officer assumed that if this matter  
19 had proceeded to a hearing, the State Bar would not have been able to establish  
20 by clear and convincing evidence that Lacambra had acted knowingly.  
21  
22

23           5.     Based upon the assumption that the State Bar could only prove  
24 that Lacambra had acted negligently, the Initial Hearing Officer Report  
25

1 recommended that the Tender and Joint Memorandum be accepted and  
2 approved.

3  
4 6. The Initial Hearing Officer Report was reviewed by the  
5 Disciplinary Commission on April 14, 2008. The Disciplinary Commission  
6 rejected the Tender and Joint Memorandum, and remanded the matter back to  
7 the Hearing Officer for further proceedings. The Disciplinary Commission  
8 explained that "The Commission is not convinced absent a hearing and based  
9 on the conditional admissions as stated, that the agreed upon sanction is  
10 appropriate and fulfills the purposes of discipline."  
11

12  
13 7. After this matter was remanded, the Hearing Officer conducted a  
14 hearing on June 24, 2008. The State Bar was represented by Stephen P. Little.  
15 Respondent represented himself.

16 **FINDINGS OF FACT**

17 8 At all times relevant, Lacambra was a lawyer licensed to practice  
18 law in the state of Arizona having been first admitted to practice in Arizona  
19 on April 6, 1968.

20  
21 9. On September 13, 2003, a truck hit ran into a house in Tucson,  
22 causing significant structural damage to the house. The title to the house  
23 reflected that it was owned by Elena Richardson ("Elena") There was some  
24 question as to whether the house was actually owned by Elena, or actually  
25

1 belonged to Elena's mother Sammye Richardson ("Sammye"). Sammye was  
2 living in the house at the time of the accident.

3  
4 10. Sometime after this accident, the homeowners association  
5 ("HOA") began levying fines against Elena, the title owner of the house,  
6 because of various problems resulting from the failure to complete repairs of  
7 structural damage to the house caused during the accident.

8  
9 11. Elena was out of the country at the time, and had signed a power  
10 of attorney granting Sammye powers to handle Elena's matters while she was  
11 out of the country.

12  
13 12. Sammye retained Lacambra to pursue a lawsuit on Elena's behalf  
14 against the driver of the truck for damaging the house. Sammye also sought  
15 to assert claims for damage to the contents of the house, as she was living in  
16 the house at the time of the collision.

17  
18 13. In January, 2005, Sammye instructed Lacambra to prepare a  
19 promissory note documenting a loan of \$499,598.33 to Elena from her sister,  
20 Serena W. Richardson, who is an attorney in New York. Sammye instructed  
21 Lacambra to also prepare a deed of trust against the house to secure this  
22 promissory note. Lacambra prepared the documents, Elena signed them, and  
23 the deed of trust was recorded on April 14, 2005  
24  
25

1           14. In approximately July of 2005, Sammye requested that Lacambra  
2 represent Elena in connection with an enforcement action filed by the HOA in  
3 the Superior Court of Pima County as case number C20053405 (“the  
4 Enforcement Litigation”). In the Enforcement Litigation, the HOA sought to  
5 compel Elena to repair the structural damage to the house caused by the truck  
6 accident and to repair various non-structural problems with the house such as  
7 a rusting iron fence, and flaking exterior paint. On July 7, 2005, Lacambra  
8 accepted service of the complaint and application for order to show cause on  
9 behalf of Elena.  
10

11  
12           15. On July 28, 2005, the Superior Court conducted a hearing on the  
13 HOA’s application for an order to show cause. Lacambra did not appear at  
14 this hearing. After conducting an evidentiary hearing, the trial court took the  
15 matter under advisement, and directed that the HOA lodge proposed findings,  
16 conclusions and orders.  
17

18  
19           16. The following day, on July 29, 2005, Lacambra filed a motion  
20 for re-hearing in the Enforcement Litigation. Lacambra explained that he had  
21 accepted service at a time when he was preparing to go out of state for a  
22 family reunion, and that he simply forgot about the hearing. Lacambra went  
23 on to argue the merits of the requested order to show cause.  
24  
25

1           17. On September 13, 2005, the trial court in the Enforcement  
2 Litigation ruled in favor of the HOA, and entered a judgment requiring Elena  
3 to repair the structural damages within 90 days, and to repair the nonstructural  
4 items within 30 days.  
5

6           18. No evidence was presented that the trial court in the Enforcement  
7 Litigation would have ruled any differently had Lacambra appeared at the  
8 July 28, 2005 hearing. It appears there was no real defense to the  
9 Enforcement Litigation, as the structural damage had not been repaired  
10 despite repeated requests by the HOA.  
11

12           19. In or about August of 2005, Elena made multiple unsuccessful  
13 attempts to contact Lacambra via e-mail and telephone.  
14

15           20. On August 22, 2005, Elena sent a letter to Lacambra requesting  
16 that he update her on the case and send her a copy of her file. The letter was  
17 sent to Lacambra's address on record with the State Bar of Arizona.  
18

19           21. Lacambra did not respond to Elena's requests.

20           22. On September 29, 2005, Elena sent a certified letter to Lacambra  
21 revoking the power of attorney she had granted Sammye, and requesting  
22 Lacambra contact her directly. The letter was sent to Lacambra's address on  
23 record with the State Bar of Arizona. Lacambra did not timely respond to this  
24  
25

1 certified letter. By this point, there was a dispute between Sammye and Elena  
2 as to who actually owned the house.

3  
4 23. Over the next several months, Elena sent several additional  
5 certified letters and emails to Lacambra attempting to obtain information  
6 regarding the status of her various matters that Lacambra was handling.

7  
8 24. At some point during this timeframe, Elena and her boyfriend  
9 went to Lacambra's office and were able to inspect and copy all of  
10 Lacambra's files relating to Elena and her house.

11 25. Continuing through at least November, 2006, Elena continued to  
12 have difficulty communicating with Lacambra and obtaining information  
13 regarding the status of the matters he was handling for her. Elena was out of  
14 the country during much of this time. Lacambra did discuss matters with  
15 Elena from time to time during this period, but did not respond to all of her  
16 inquiries in a reasonable amount of time.  
17

18  
19 26 During this period of time that Lacambra was unresponsive to  
20 Elena's repeated requests for information, he was extremely busy representing  
21 a famous singer from Mexico in connection with a tax fraud investigation and  
22 certain litigation in California brought against the singer by a promoter ("the  
23  
24  
25

1 Juan Gabriel<sup>1</sup> Matters”). Lacambra frequently traveled to Nevada and to  
2 Mexico in connection with his representation in the Juan Gabriel Matters. The  
3 Juan Gabriel Matters turned out to be all consuming cases, which  
4 overwhelmed Lacambra. The Juan Gabriel Matters, and their time constraints  
5 turned out to be too much for a sole practitioner such as Lacambra to handle.  
6 LaCambra has admitted that he had no business taking on such a complex and  
7 time-intensive matter. (Transcript at 22:18 – 24:5; 43:14 – 44:22).  
8  
9

10 27. At some point in 2006, Elena requested that Lacambra remove  
11 the deed of trust in favor of her house. Lacambra explained to Elena that he  
12 could not remove the lien without a release signed by her sister, who was the  
13 beneficiary of the deed of trust.  
14

15 28. On November 27, 2006, Elena submitted a complaint to the State  
16 Bar of Arizona regarding Lacambra’s behavior.  
17

18 29 On November 28, 2006, Elena sent Lacambra a certified letter  
19 terminating his services and requesting a copy of her file. The letter was sent  
20 to Lacambra’s address on record with the State Bar of Arizona.  
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24 <sup>1</sup> **Billboard Magazine’s website describes Juan Gabriel as a “living legend” of**  
25 **Latin music, and states that he has sold over 100 million albums worldwide.**



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d. Rule 53(f) Ariz.R.Sup.Ct. (failure to furnish information to the State Bar)

36. The Hearing Officer finds that the State Bar has not established by clear and convincing evidence that Lacambra violated any of the other ethical rules alleged in the complaint.

**RESTITUTION**

37 While Lacambra was paid for his representation of Elena, the amounts paid are not the subject of the complaint in this disciplinary proceeding. Lacambra did perform work on the cases and there is no evidence indicating any misappropriation of client funds by Lacambra.

38 Furthermore, although the trial court did enter a judgment adverse to Elena in the Enforcement Litigation, there is no evidence that had Lacambra appeared at the first hearing in the Enforcement Litigation, or taken any other actions, that there still would not have been a judgment adverse to Elena. Accordingly, restitution is not at issue in this case.

**SANCTIONS**

39. During the hearing, the State Bar argued that based upon the evidence presented, the censure with two years of probation previously recommended in the Initial Hearing Officer Report remained appropriate.

40. Lacambra did not oppose the imposition of these sanctions.





1           48. The Hearing Officer has carefully evaluated the evidence  
2 presented during the hearing to determine whether Lacambra acted  
3 negligently or knowingly in failing to act with reasonable diligence, and in  
4 failing to keep Elena reasonably informed about the status of her matters he  
5 was handling.  
6

7           49. In the Initial Hearing Officer Report, the Hearing Officer  
8 questioned whether Lacambra's actions were merely negligent, as opposed to  
9 knowing, in light of Elena's repeated efforts to contact him using a variety of  
10 methods of communication (including certified letters), and Lacambra's  
11 admitted failures to contact Elena and provide her with the requested  
12 information.  
13  
14

15           50. Based on the evidence presented at the hearing, the Hearing  
16 Officer finds that Lacambra's failures to diligently pursue Elena's matters,  
17 and his failures to provide Elena with requested information were negligent.  
18 The evidence does not establish by clear and convincing evidence that  
19 Lacambra acted knowingly. The evidence establishes that Lacambra had  
20 "bitten off more than he could chew" in accepting the Juan Gabriel Matters,  
21 that he was devoting nearly all of his waking hours to the Juan Gabriel  
22 Matters, and that he was simply overwhelmed by the volume of work  
23 involved.  
24  
25



1 c. Standard 9.22(i) -- Substantial Experience in the  
2 Practice of Law. Respondent was admitted 04/06/68.<sup>3</sup>  
3

4 53. The following mitigating circumstances were established at the  
5 hearing:

6 a. Standard 9.32(b) -- Absence of Dishonest or Selfish  
7 Motive. Lacambra's failures to diligently pursue Elena's  
8 legal matters and to maintain effective communication  
9 were ones of negligence, and Lacambra's conduct  
10 generated no specific pecuniary gain for Lacambra.  
11 Lacambra did not act with a selfish or dishonest motive.  
12

13 b. Standard 9.32(1) -- Remorse. During the case management  
14 conference in this matter, and again at the hearing,  
15 Lacambra freely admitted to the Hearing Officer that he  
16 "messed up" on this case, and that he understood he  
17  
18

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19  
20 <sup>3</sup> It is not clear that substantial experience should be an aggravating factor  
21 in this case because failing to work on a case and failing to respond to client  
22 inquiries do not seem to be the type of misconduct upon which experience  
23 would have any effect. *In re Augenstein*, 178 Ariz. 133, 138, 871 P.2d 254,  
24 259 (1994). The Hearing Officer cannot say that because of experience, it is  
25 more likely that Lacambra "would have known better" than to engage in such  
misconduct. *Id.* To the extent experience can be considered an aggravating  
factor, it is offset by Respondent's relatively small number of prior disciplinary  
complaints. *Matter of Shannon*, 179 Ariz. 52, 876 P.2d 548 (1994), *modified*  
*in part or other grounds*, 181 Ariz. 307, 890 P 2d 602 (1994).

1 needed to “take his medicine” and deal with the  
2 ramifications of his actions.

3  
4 54. The Hearing Officer finds that the aggravating and mitigating  
5 factors are relatively equally balanced, and do not support significant  
6 departures from the sanctions otherwise recommended by the ABA Standards.

7 **Proportionality**

8  
9 55. The last step in determining if a particular sanction is appropriate  
10 is to assess whether the discipline is proportional to the discipline imposed in  
11 similar cases. *In re Peasley*, 208 Ariz. 27, 41, ¶ 62, 90 P.3d 764, 778 (2004).  
12 “This is an imperfect process because no two cases are ever alike.” *In re*  
13 *Owens*, 182 Ariz. 121, 127, 893 P.2d 1284, 1290 (1995). As the Arizona  
14 Supreme Court has observed:  
15

16 Consideration of the sanctions imposed in similar cases is  
17 necessary to preserve some degree of proportionality, ensure  
18 that the sanction fits the offense, and avoid discipline by whim  
19 or caprice. . . . Proportionality review however, is an imperfect  
20 process. . . . Normally the fact that one person is punished more  
21 severely than another involved in the same misconduct would  
22 not necessarily lead to a modification of a disciplinary sanction.  
23 Both the State Bar in its capacity as prosecutor and the  
24 Disciplinary Commission in its quasi-judicial capacity have  
25 broad discretion in seeking discipline and in recommending  
sanctions.

*In re Dean*, 212 Ariz. 221, 225, ¶ 24, 129 P.3d 943, 947 (2006).

1           56. Because perfect uniformity cannot be achieved, the Arizona  
2 Supreme Court has long recognized that the discipline in each situation must  
3 be tailored for the individual case. *In re Piatt*, 191 Ariz. 24, 31, 951 P.2d 889,  
4 896 n.5 (1997). The Hearing Officer has evaluated the recommended  
5 sanctions to make sure that they are adequately tailored for the individual  
6 case, while keeping in mind the State Bar's broad discretion in recommending  
7 sanctions.  
8

9  
10           57. The Hearing Officer has considered the cases cited in the Joint  
11 Prehearing Memorandum, and has performed independent research regarding  
12 similar cases.  
13

14           58. Numerous Arizona discipline cases, including those cited in the  
15 Joint Prehearing Memorandum, support the imposition of a censure when an  
16 attorney has negligently failed to act with reasonable diligence, and has  
17 negligently failed to timely communicate with a client. The Joint Prehearing  
18 Memorandum cites a number of recent unpublished decisions imposing  
19 censures in similar circumstances. A number of older published discipline  
20 cases reach this same result. *See, e.g., In re Gamble*, 180 Ariz. 145, 147-48,  
21 882 P.2d 1271, 1273-74 (1994); *In re Gawlowski*, 177 Ariz. 311, 313, 868  
22 P.2d 324, 326 (1994). A very recent case involving a failure to diligently  
23 perform work for a client, failure to respond to client requests for information,  
24  
25

1 and failure to respond to the State Bar decided by Hearing Officer Coker  
2 likewise found a censure with probation to be an appropriate sanction. *See In*  
3 *re Shaw*, No. 07-1069 (2008). The Disciplinary Commission approved this  
4 decision last month.  
5

6 59. Based on these prior cases, the Hearing Officer finds that the  
7 recommended sanctions in this case are proportional to the sanctions imposed  
8 in the past in similar cases.  
9

10 60. The Hearing Officer believes that the recommended censure with  
11 probation is sufficient punishment to deter others and to protect the public. *In*  
12 *re Pappas*, 159 Ariz. 516, 526, 768 P.2d 1161, 1171 (1988).  
13

14 61. The State Bar thinks that Lacambra has learned his lesson. The  
15 Hearing Officer agrees and believes that it makes no sense to suspend  
16 Lacambra. For whatever it is worth, the Hearing Officer beat up on Lacambra  
17 at the hearing as reflected in the transcript.<sup>4</sup> (Transcript at 59:5 – 59:25).  
18  
19  
20  
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23  
24 <sup>4</sup> See Hearing Officer Goldsmith's comments in *In re Laurence B*  
25 *Stevens*, No. 04-1268 (June 1, 2006).

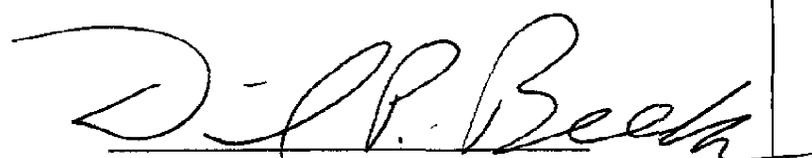
1 CONCLUSION

2 62. For the reasons discussed above, the Hearing Officer  
3 recommends that the following punishment be imposed on Respondent  
4 Edward V. Lacambra:  
5

- 6 a Lacambra should receive a censure;
- 7 b. Lacambra should be placed on probation for two years;
- 8 and
- 9 c. Lacambra should be ordered to pay the costs and expenses  
10 incurred in this disciplinary proceeding  
11  
12

13  
14 DATED: August 7, 2008

15  
16 Hearing Officer 7M

17  
18   
19  
20 Daniel P. Beeks  
21 2800 North Central Avenue, Suite 1100  
22 Phoenix, Arizona 85004-1043

23 ORIGINAL of the foregoing mailed for  
24 filing on August 7, 2008, to:

25 Disciplinary Clerk  
Supreme Court of Arizona  
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