

SUPREME COURT OF ARIZONA
DISCIPLINARY CASES MATRIX
(1988)

<u>CASE NAME NUMBER/DATE</u>	<u>VIOLATIONS DESCRIPTION/ DISCIPLINARY RULES</u>	<u>COMMITTEE RECOMMEND.</u>	<u>COMMISSION RECOMMEND.</u>	<u>COURT SANCTION</u>	<u>COMMENTS</u>
<u>1988</u>					
<u>Alcorn, Richard A.</u> 1/26/88 DC No. 86-1388 (By Order)	Convicted of theft, a misdemeanor. ER 8.4(b)		Censure Probation 1 year By Consent	Censure Probation 1 year \$880.00 resti- tution \$307.20 costs	No priors
<u>Boose, Michael G., Jr.</u> 12/13/88 SB 88-0052-D DC No. 88-1772 (By Interim Order)	Failed to act with rea- sonable diligence. Fail- ed to adequately communi- cate with clients. Aban- doned his office. Failed to return retainers after abandoning client's inter- ests. Failed to appear at scheduled hearings. Failed to respond to State Bar. ER 1.3 ER 1.4 ER 8.1(b) ER 8.4	Suspend 8 months	Suspend 8 months	Interim * Suspension	Multiple offenses
<u>Carragher, Michael A.</u> 7/14/88 SB 87-0016-D DC No. 83-2-4 F (5-0275-00-L) 157 ARIZ 219 756 P.2d 316 (By Opinion)	Failed to maintain records of client funds in his possession. Failed to render accounting of such funds when requested. Fail- ed to deliver \$15,000 that client's estate was entitled to receive. Misrepresented material fact in pleading. Failed to de- posit client funds in account separate from his own. DR 9-102(B)(3) DR 9-102(B)(4) DR 1-102(A)(4) DR 1-102(A)(5) DR 9-102(A)	Suspend 6 months	Suspend 6 months	Suspended 6 months \$13,500 resti- tution \$5,466.55 costs	Prior informal reprimands (2)
<u>Cockrum, Wm. G.</u> 6/2/88 SB 87-0020-D DC No. 6-0124 (By Order)	One year suspension (retroactive effective 1/8/86 to coincide with Ohio suspension). DR 2-106(A) DR 7-102(7) DR 7-102(8) DR -102(A)(1)	Suspend 1 year	Suspend 1 year (Reciprocal)	Suspended 1 year \$391.60 costs	

* Pending before Supreme Court

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<p><u>Cromer, Susan K.</u> 7/21/88 SB 87-0040-D DC Nos. 86-1-2B(2) and 86-2-2B(2) (By Order)</p>	<p>Went to defendant's sister's home and remained there when she knew she was not welcome. Improperly told grand jury that there was "no reasonable doubt" that the suspect had committed the crime. At trial, questioned a witness contrary to the judge's express rulings and wishes. DR 1-102(A)(5) DR 1-102(A)(6) DR 7-106(A) DR 7-106(C)(4) DR 7-106(C)(7)</p>	<p>Censure</p>	<p>Censure</p>	<p>Censured \$3,369.15 costs</p>
<p><u>Diettrich, Charles C.</u> 6/29/88 DC No. 88-0777 (By Interim Order)</p>	<p>Tested positive for cocaine use thereby violating terms of probation in reinstatement.</p>	<p></p>	<p>Disbar*</p>	<p>Interim Suspension</p>
<p><u>Douglas, Randall R.</u> 12/7/88 SB 87-0037-D DC Nos. 5-0089 and 5-1148 (By Opinion) 158 ARIZ 516 764 P.2d 1</p>	<p>Failed to file tax returns, in violation of his duty as personal representative of an estate. Double billed the estate regarding the sale of a home, and also charged the estate an excessive fee. Failed to file a responding motion, and misrepresented to opposing counsel that he actually had done so. Twice found in contempt of court in an action regarding the breakup of his law partnership. Improperly advertised himself as a "specialist." DR 1-102(A)(3) DR 1-102(A)(4) DR 1-102(A)(5) DR 1-102(A)(6) DR 2-101(A) DR 2-106(A) DR 5-101(A) DR 6-101(A)(2) DR 6-101(A)(3)</p>	<p>Suspend 7 mos.</p>	<p>Suspend 6 mos.</p>	<p>Disbarred \$11,629.91 costs</p>
<p><u>Eldridge, Franklin O.</u> 1/15/88 DC No. 87-1403 (By Order)</p>	<p>Consented to disbarment after conviction of 2 counts of theft and wire fraud. ER 8.4(b) ER 8.4(c)</p>	<p></p>	<p>Consent to Disbarment</p>	<p>Disbarred \$101,276.54 restitution</p>

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<p><u>Galusha, Lee</u> 12/15/88 SB 88-0028-D DC No. 5-1474 (By Order)</p>	<p>Failed to correct legal assistant's unauthorized practice of law which resulted in default of client. Failed to turn over file to new attorney. Without notice to or consent of client retained fee from collected settlement and provided no accounting. DR 2-110(A)(2) DR 6-101(A)(3) DR 7-101(A)(2) DR 7-101(A)(3) DR 3-101(A) DR 9-102(B)</p>	Censure	Suspend 6 months and 1 day	Suspended 6 months and 1 day \$868.70 costs	No priors Aggravated Conduct
<p><u>Grimble, Luther T.</u> 8/22/88 SB 87-0034-D DC No. 83-1-4E (By Order)</p>	<p>Failed to follow adequate accounting practices, casting doubt on his competency, honesty and fitness to practice law. DR 1-102(A)(6)</p>	Censure	Censure	Censured \$8,639.80 costs	Prior suspension for non-payment of dues Prior informal reprimand
<p><u>Henry, James C.</u> 2/29/88 DC Nos. 5-1430 and 5-1318 (By Order)</p>	<p>Failed to act with reasonable diligence and promptness. Failed to communicate with client. Failed to give file to client. Failed to adequately inform client. Failed to cooperate with State Bar. ER 1.1 ER 1.3 ER 1.4 ER 8.4 DR 6-101(A)(3)</p>	Censure	Censure	Censured \$720.96 costs	Multiple Offenses
<p><u>Holman, Vincent L.</u> 4/14/88 DC No. 5-1697 (By Order)</p>	<p>Engaged in conduct prejudicial to the administration of justice, by offering not to report opposing counsel's client to the IRS, if opposing counsel and his client would reopen certain negotiations to the benefit of Holman's client. ER 8.4(d)</p>	Censure	Censure	Censured \$603.85 costs	
<p><u>Karman, Howard H.</u> 4/14/88 (By Order)</p>	<p>Failed to communicate diligently with a client. Neglected and failed to diligently represent a client by failing to discuss the possibility of dismissing the lawsuit and by failing to appear, or argue, against defendant's summary judgment motions. Failed to discuss settlement, causing additional legal expenses. DR 6-101(A) DR 7-101(A)(2),(3)</p>	Accept Agreement for Censure and Restitu- tion	Censure Restitution	Censured \$12,757.48 Restitution \$436.10 costs	Client Injury

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<p><u>Leonard, Leo V.</u> 12/21/88 SB 88-0059-D DC No. 84-1-5N and 84-2-5N (By Order)</p>	<p>Neglect of collection matters DR 1-102(A)(1) DR 7-101(A)(1) DR 7-101(A)(2) DR 7-101(A)(3)</p>	<p>Accept Agreement Suspend 1 year and Restitution</p>	<p>Suspend 1 year and Restitution</p>	<p>Suspend 1 year Restitution \$200 Costs \$492.10</p>	<p>Prior Informal Reprimand</p>
<p><u>Martin, Ben J.</u> 10/05/88 SB 88-0041-D DC Nos. 5-1925, 5-2214, 6-0176, 6-0225, 6-0246, 6-0358 and 6-0472 (By Order)</p>	<p>Failed to honor personal guarantee for a debt. Failed continually to make certain payments to his ex-wife. Failed to return upon demand \$100,000 of client's money which had been entrusted to him for the purpose of investing that money in real estate. Applied trust fund monies as payment for fees without client approval. Failed to advise clients to seek independent counsel. Forged client's name on a tendered settlement draft, and failed to pay to client the settlement proceeds and medical expenses from the withheld settlement proceeds. Failed to return unearned retainer to client. Failed to pay client's deposition costs and medical expenses. Failed to perform services for which he was retained, and failed to return client money. Failed to return trust account money to client. DR 9-102(D)(6) DR 1-102(A)(6) DR 1-102(A)(1) DR 9-102(D)(2) DR 1-102 DR 9-102 ER 1.15 ER 8.4 ER 1.3 ER 1.4 ER 1.5</p>	<p>Accept Agreement</p>	<p>Accept Agreement</p>	<p>Resigned Suspended 5 years \$4,175.36 costs</p>	
<p><u>Maxwell, Donald</u> 4/14/88 DC No. 87-0713 (By Order)</p>	<p>Failed to file complaint in personal injury case before running of Statute of Limitations and lied to client in telling her he had done so. ER 1.3 ER 1.4 ER 8.4(c)</p>		<p>Accept Agreement for Censure</p>	<p>Censure Costs \$575.20</p>	

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<p><u>Morris, Dan R.</u> 3/14/88 DC No. 5-0333 (By Order)</p>	<p>Failed to disclose fully a conflict of interest that existed at the time he formed a corporation for the client. DR 5-101(A) DR 5-104(A)</p>	<p>Censure</p>	<p>Censure</p>	<p>Censured \$730.90 costs</p>	<p>No priors</p>
<p><u>Odgers, Vincent E.</u> 3/8/88 DC No. 6-0281 (By Order)</p>	<p>Failed to advise client to seek outside counsel when arranging loans to client from his (Odger's) relatives and sued client on collection of loans. DR 5-101(A) DR 5-105(A)</p>		<p>Accept Agreement for Censure</p>	<p>Censure \$182 costs</p>	
<p><u>Olds, Russell S.</u> 6/3/88 SB 87-0012-D DC Nos. 5-0197, 5-0444 and 5-1785 (By Order)</p>	<p>Caused an invalid lien to be recorded against certain real property, and refused the third party's request to remove such lien. Failed to cooperate with State Bar's investigation. Failed to competently represent a debtor in bankruptcy, by causing the dismissal of the petition, failing to prosecute several collection matters, failing to appear in court and allowing a default. Induced client to participate in a barter organization without disclosing his own interest in it. DR 1-102(A)(6) DR 7-102(A)(1) DR 7-102(A)(2) DR 7-102(A)(8) DR 6-101(A)(2) DR 6-101(A)(3) DR 7-101(A)(1) DR 7-101(A)(2) DR 7-101(A)(3) DR 5-104(A)</p>	<p>Suspend 2 years</p>	<p>Censure</p>	<p>Censured \$3,125.75 costs</p>	<p>Intentional Conduct Multiple Offenses Client Injury</p>
<p><u>Robinson, Robert G.</u> 5/13/88 DC No. 5-2087 (By Order)</p>	<p>Failed to represent client diligently in a probate matter. Failed to respond to client's reasonable requests for information. ER 1.3 ER 1.4</p>	<p>Accept Agreement for Censure and Probation</p>	<p>Censure Probation Ordered</p>	<p>Censured \$1,692.17 costs</p>	

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<p><u>Smith, Nile B.</u> 5/17/88 DC Nos. 5-1962 and 5-2224 (By Order)</p>	<p>Failed to represent client competently. Failed to represent client with reasonable diligence. Failed to keep client reasonably informed of the status of his case.</p>	<p>Accept Agreement for Censure and Restitution</p>	<p>Censure and Restitution</p>	<p>Censured \$1,593.61 restitution \$870.75 costs</p>	<p>Client Injury Multiple Offenses</p>
<p><u>Storts, Brick P., III</u> 5/1/88 SB 88-0024-D DC No. 88-0597</p>	<p>On stipulation for Interim Suspension</p>		<p>Interim Suspension</p>	<p>Interim Suspension</p>	
<p><u>Zang, Stephen M.</u> 10/20/88 SB 87-0041-D DC No. 5-0532 (By Opinion) 158 AR1Z 251 762 P.2d 538</p>	<p>Lied to his clients regarding a settlement, that he was an experienced trial lawyer when he actually had almost no trial experience, and that he had filed an action when he had not done so. Failed to communicate with clients and to respond to reasonable requests for information. Entered into an excessive fee agreement (50% contingent fee). Failed to respond to the complainant in this matter. Failed to appear before the hearing committee, Disciplinary Commission or the Supreme Court. DR 1-102(A)(4) DR 7-101(A) DR 7-102(A)(3) DR 2-106(A) DR 5-103(A)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarred \$844.24 costs</p>	<p>Multiple Priors On Suspension</p>