

SUPREME COURT OF ARIZONA
DISCIPLINARY CASES MATRIX
(1991)

<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>1991</u>					
<u>Blasnig, Michael C.</u> 04/09/91 DC No. 91-0251 (By Order)	Suspension in effect until final disposition of all charges or complaints pending before the State Bar of Arizona because it appears that he is engaged in a pattern of severe neglect of his clients' interests. His practice of law has caused substantial harm to the public, the legal profession and the administration of justice.	N/A	N/A	Interim Suspension	
<u>Cromer, Susan Kelly</u> 04/24/91 DC No. 88-0834 (By Order) 167 ARIZ. 535 809 P.2d 960	Failed to pay assessment of costs and expenses ordered by the Disciplinary Commission in a prior discipline action. ER 3.4(c) ER 8.4(d) SCR 51(f)	Suspension 2 years	Censure		Censure imposed by order of Commission; 1 prior Censure
<u>Duprey, Allan W.</u> 01/09/91 Effective 03/07/85 DC Nos. 85-1263 85-1556 86-0914 (By Order)	Misappropriated monies of three clients for his own use; failed to carry out employment contract; damaged a client during the course of a professional relationship. DR 1-102(A)(4) DR 7-101(A)(2) DR 7-101(A)(3)	N/A	Accept agreement for 3-year suspension retroactive to 03/07/85 Contingent probation	Suspension 3 years retroactive to 03/07/85 Contingent probation	Respondent will be placed on probation if he enters private practice. Evidence of substance abuse during period of misconduct.

DISCIPLINARY CASES MATRIX
(1991)

Espino, A. Michael

05/16/91
DC Nos. 87-1744
88-1105

(By Opinion)
168 ARIZ. 139
811 P.2d 1076

Failed to make meritorious objections to statement of costs in client's trial; failed to secure funds from a jury verdict award for his client in a timely fashion; failed to adequately document communications; failed to diligently investigate a claim; failed to adequately communicate with his client; failed to respond to the State Bar's request for information.
ER 1.1 ER 1.16(d)
ER 1.3 ER 8.1(b)
ER 1.4 ER 8.4(a)
ER 1.15

Suspension,
4 months
Probation
Restitution
of \$3,897.89
+ interest

Suspension,
4 months
Probation
Restitution
of \$500.00
+ interest

Suspension,
4 months
Probation
Restitution
of \$500.00
+ interest

Feeley, James B.

08/25/91
DC No. 87-0162

(By Opinion)
168 ARIZ. 436
814 P.2d 777

Failed to take action to set aside the dismissal of his client's lawsuit, which was dismissed due to his lack of diligence and competence; failed to keep his clients informed about the status of their lawsuit; misrepresented to his clients that their case had been set for trial, when he knew it had been dismissed.
ER 1.1 ER 1.4(a)
ER 1.3 ER 8.4(c)

Conditional
6 month
Suspension
(if restitu-
tion not
made, then
1 year
suspension)

6 month
Suspension,
reinstatement condi-
tional upon
payment of
restitution

6 month
Suspension,
reinstatement condi-
tional upon
payment of
restitution

DISCIPLINARY CASES MATRIX
(1991)

Gaynes, Alex A.

10/05/91
DC Nos. 86-0305
88-1225

(By Opinion)
168 ARIZ. 574
816 P.2d 231

Failed to competently zealously, and diligently represent his clients; simultaneously re-presented two clients in the same case; failed to adequately communicate with his clients; failed to remit funds owing to a client; failed to furnish information and cooperate with the State Bar.

DR 5-105 ER 1.1 ER 8.1(b)
DR 6-101 ER 1.2 SCR 51(h)
DR 7-101 ER 1.3 SCR 51(i)
DR 9-102 ER 1.4

Suspension
6 mos. + 1
day, 1 yr
Probation,
Restitution

Disbarment,
Restitution
to be paid
w/in 30 days

Disbarment,
Restitution
to be paid
w/in 30 days

Prior Censure; 2
prior Informal
Reprimands (conduct
subsequent to
current matter);
Placed on Interim
Suspension
06/10/91.

Grant, Marc Roger

12/14/91
DC Nos. 87-1008
87-1449
87-1570
88-0454
88-0546
88-0702
88-0851
88-0908
88-1269
88-1923
89-0391
89-0392

(By Opinion)
ARIZ.
821 P.2d 159

Failed to return an unused portion of a retainer; failed to competently and diligently pursue claims and represent clients; failed to communicate with clients; failed to deliver files and a retainer to clients; failed to surrender property to client after she had retained new counsel; knowingly disobeyed a court order; made misrepresentation to clients; failed to cooperate with and respond to the State Bar's inquires and allegations.

DR 9-102 ER 1.4 ER 3.4(d)
ER 1.1 ER 1.15 ER 8.1
ER 1.2 ER 1.16(d) ER 8.4
ER 1.3 ER 3.4(c) SCR 51

Disbarment,
Restitution

Disbarment,
Higher
Restitution

Disbarment,
Restitution
(same as
Commission)

Prior Censure;
Prior Informal
Reprimand; Placed
on Interim Sus-
pension 01/17/89.

DISCIPLINARY CASES MATRIX
(1991)

<p><u>Heinzl, Joe Lawrence</u> 09/09/91 DC No. 89-1280 (By Order)</p>	<p>Failed to act with reasonable diligence and promptness prior to his withdrawal from representation, resulting in his client being unprepared for a pending hearing and deposition; falsely implied, in his application for withdrawal, that his client was prepared for a pending hearing, fully aware that that was not the case. ER 1.3 ER 3.3 ER 8.4</p>	<p>Censure</p>	<p>Censure</p>	<p>Censure imposed by order of Commission</p>
<p><u>Henry, James Cy</u> 05/25/91 DC Nos. 89-0052 89-0194 (By Opinion) 168 ARIZ. 141 811 P.2d 1078</p>	<p>Failed to diligently and completely pursue his clients' claims; failed to adequately communicate with his clients; failed to safeguard and return his client's file and keep client property separate from his own; converted client funds. ER 1.1 ER 1.16(d) ER 1.3 ER 8.1(b) ER 1.4 ER 8.4(b) ER 1.15(a) ER 8.4(c) ER 1.15(b) SCR 51(h) ER 1.15(c) SCR 51(i)</p>	<p>1 yr. Suspension, 2 yr. Probation, Ethics Exam, Restitution</p>	<p>Disbarment, Restitution</p>	<p>Disbarment, Restitution</p>
<p><u>Hiser, H. Louis</u> 07/20/91 DC Nos. 5-0168 5-1313 (By Opinion) 168 ARIZ. 359 813 P.2d 724</p>	<p>Neglected a legal matter entrusted to him; filed a lawsuit on behalf of a client without the knowledge or consent of the client; failed to notify a client of a settlement offer; failed to settle a client's case in a reasonable amount of time; failed to respond to a client's requests for information. DR 1-102 DR 6-101</p>	<p>Suspension 6 mos. + 1 day</p>	<p>Suspension 6 mos. + 1 day</p>	<p>Suspension 6 mos. + 1 day</p>
				<p>2 prior Censures; Prior Informal Reprimand</p>
				<p>Prior Censure; Prior Informal Reprimand</p>

DISCIPLINARY CASES MATRIX
(1991)

Ireland, George M.

01/23/91
DC No. 87-0012

(By Order)
167 ARIZ 29
804 P.2d 758

Failed to ensure loan proceeds were used to improve an estate entrusted to his care; failed to safeguard the estate by ensuring the loan did not exceed the amount of the subordination agreement; prejudiced and damaged his client; failed to disclose acceptance of employment in which the interest of another client could impair his professional judgment.

DR 6-101(A)(3) DR 5-105(C)
DR 5-105(A) DR 7-101(A)(3)
DR 5-105(B)

Accept
agreement
for censure

Accept
agreement
for censure

Censure imposed by order of Commission; At time of proceedings, Respondent was under 2-year Suspension commencing 10/15/85, and had not yet been reinstated.

Jenkins, Randy William

06/28/91
DC Nos. 87-1457
88-0026
88-0204
88-0459

(By Opinion)
168 ARIZ. 70
811 P.2d 322

Engaged in dishonest and deceitful conduct by failing to file tax returns; attempted to prevent disclosure of pertinent discoverable information in a civil proceeding; undertook actions which reflected adversely on his honesty, trustworthiness & fitness as a lawyer; created conflict of interest by suing his own clients and continuing to represent them without their consent; held himself out as having a partnership with another lawyer who was not his partner; failed to timely respond to the State Bar.

DR 1-102(A)(4) ER 7.5(d)
DR 1-102(A)(5) ER 8.1(b)
DR 2-102(C) ER 8.4(b)
ER 1.7(a) ER 8.4(c)
ER 1.7(b) ER 8.4(d)

Disbarment

Disbarment

Disbarment

DISCIPLINARY CASES MATRIX
(1991)

<p><u>Jones, Philip</u> 10/05/91 DC No. 89-0091 (By Opinion) 169 ARIZ. 19 816 P.2d 916</p>	<p>Failed to remit insurance proceeds which belonged to a client; converted client funds; failed to safeguard a client's property. DR 1-102(a)(3) ER 1.15(b) DR 1-102(a)(6) ER 8.4(b) DR 9-102(b) ER 8.4(c)</p>	<p>Disbarment, Restitution</p>	<p>Disbarment, Lower Restitution</p>	<p>Disbarment, Lower Restitution</p>	<p>Placed on Interim Suspension 5/7/91</p>
<p><u>Karasek, David John</u> 12/19/91 DC Nos. 87-1466 89-0990 89-1284 90-1887 90-1943 90-1979 90-2273 91-0812 (By Order) ARIZ. 821 P.2d 173</p>	<p>Failed to respond to a motion in the manner the client requested; lack of competence and diligence; failed to keep his clients' money in his trust account; represented a client in a lawsuit against a former client, in a directly related matter; knowingly disobeyed a notice to appear for a debtor's exam; failed to remit money that belonged to a third party; knowingly made false statements of material facts to the State Bar and the Court; failed to respond to the State Bar's inquiries and allegations. ER 1.1 ER 1.9 ER 3.4 ER 1.2 ER 1.15 ER 8.1 ER 1.3 ER 3.3 ER 8.4 SCR 43(d) SCR 51</p>	<p>Disbarment (on 3 matters) N/A to remaining matters</p>	<p>N/A</p>	<p>Consent to Disbarment</p>	<p>Consent to sion hearing; 2 Prior Informal Reprimands</p>
<p><u>Kenney, Donald J.</u> 03/08/91 DC No. 91-0336 (By Order)</p>	<p>Suspension in effect until final disposition of all charges or complaints pending before the State Bar of Arizona as he has been indicted on 28 counts by a Maricopa County Grand Jury.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	

DISCIPLINARY CASES MATRIX
(1991)

<p><u>Lindauer, Thayer Crane</u> 02/13/91 DC No. 87-1545 (By Order) 167 ARIZ 29 804 P.2d 758</p>	<p>Failed to timely file his client's list of witnesses and exhibits; failed to challenge plaintiff's motion to set and certificate of readiness; failed to adequately instruct and supervise his non-lawyering assistants in maintaining his calendaring system. ER 1.1 ER 1.3 ER 5.3</p>	<p>Accept agreement for Censure</p>	<p>Accept agreement for Censure</p>	<p>Censure imposed by order of Commission</p>
<p><u>MacDonald, Peter, Jr.</u> 03/06/91 DC No. 91-0040 (By Order)</p>	<p>Suspension in effect until final disposition of all charges or complaints pending before the State Bar of Arizona, pursuant to Rule 57, as he has been found guilty of numerous serious crimes.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>
<p><u>Mach, William C.</u> 03/08/91 DC No. 88-1022 (By Order)</p>	<p>In representing a client charged with sexual abuse, failed to interview the State's expert witness; failed to prepare for cross-examination of the expert witness; failed to provide diligent representation, resulting in client serving time in jail. ER 1.1 ER 1.3 ER 1.4(b)</p>	<p>Suspension, 4 years</p>	<p>Suspension, 4 years Restitution</p>	<p>Suspension, 4 years Restitution</p>
<p><u>Marquardt, Philip W.</u> 11/15/91 (Eff. 10/10/91) DC No. 91-1165 (By Order) ARIZ. 821 P.2d 161</p>	<p>Pleaded guilty to conspiracy to possess marijuana, a class 6 felony; pleaded guilty to false swearing, a class 6 felony. ER 8.4(b)</p>	<p>N/A</p>	<p>N/A</p>	<p>Accept consent to disbarment</p>

DISCIPLINARY CASES MATRIX
(1991)

Mason, David John

03/08/91
DC No. 89-0225

(By Order)
167 ARIZ 191
805 P.2d 1012

Misrepresented to client that he had secured a settlement agreement; failed to prosecute client's case; used his own personal funds as settlement funds; failed to keep clients informed of status of the case; failed to prosecute client's lawsuit; failed to supervise his practice to ensure compliance with his professional obligations as an attorney.
DR 1-102(A)(1) ER 1.4(b)
DR 1-102(A)(4) ER 5.3(a)
DR 6-101(A)(3) ER 5.3(b)
DR 7-102(A)(5) ER 8.4(c)
DR 7-102(A)(8) ER 1.5(c)
ER 1.3

Accept
agreement
for Censure
Probation

Accept
agreement
for Censure
Probation

Censure imposed
by order of
Commission;
1 prior Informal
Reprimand

Miller, Michael A.

05/21/91
DC No. 90-1070

(By Order)

Felony convictions: solicitation to commit money laundering; operating a prostitution enterprise.
ER 8.4(b) SCR 51(a)

N/A

N/A

Accept Consent
to Disbarment

Nicolini,
Daniel Armando

08/27/91 (Eff. 07/15/89)
DC Nos. 88-1141
88-1404
88-1712
88-1765
88-1912

(By Opinion)
168 ARIZ. 448
814 P.2d 1385

Repeatedly failed to diligently represent his clients & to communicate clearly and adequately with clients; failed to respond to requests for information from the State Bar.
ER 1.3
ER 1.4
ER 8.1
SCR 51(h)
SCR 51(i)

2 years
Suspension
from 5/14/90
+ 1 year
probation

2 years
Suspension
from 7/15/89
+ 2 year
probation

2 yr Suspension
from
from 7/15/89
+ 2 year
probation

No priors; Respondent acknowledges alcohol/drug addiction during period of misconduct; Voluntarily stopped practicing.

DISCIPLINARY CASES MATRIX
(1991)

<p><u>Olds, Russell Spate</u> 06/07/91 DC No. 05-1904 (By Order)</p>	<p>Failed to comply with order from the Court of Appeals; failed to provide competent representation to client; failed to act with diligence and promptness in representing a client. ER 1.1 ER 8.4(a) ER 1.3 SCR 51(e) ER 3.4(c)</p>	<p>Suspension 1 year</p>	<p>Accept Agreement for Censure</p>	<p>Censure imposed by Order of Commission; Prior Censure (arose out of a related matter)</p>	
<p><u>Rantz, Harley P.</u> 09/25/91 DC Nos. 88-1598 88-1063 88-1760 88-1761 89-0053 89-1662 89-1867 (By Opinion) 169 ARIZ. 56 817 P.2d 1</p>	<p>Lack of diligence & promptness; failed to subpoena witnesses; failed to abide by a client's wishes concerning his divorce action; failed to keep clients apprised of the progress of their case and provide them with adequate explanation of their cases; lost a client's documents; charged clients unreasonable fees and failed to provide adequate explanation of the basis of the fees charged; failed to timely file discovery responses and necessary pretrial documents; failed to adequately supervise a nonlawyer assistant's dealings with a client; failed to respond to the State Bar's requests for information and failed to cooperate with disciplinary proceedings; violated conditions of the probation imposed in a previous disciplinary matter. ER 1.1 ER 3.2 ER 8.4(d) ER 1.2 ER 3.4(c) SCR 51(h) ER 1.3 ER 3.4(d) SCR 51(i) ER 1.4 ER 5.3 SCR 51(j) ER 1.5 ER 8.1 ER 1.15(b) ER 8.4(c)</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Placed on interim suspension 4/30/90; Prior censure and probation; 6 prior Informal Reprimands</p>

**DISCIPLINARY CASES MATRIX
(1991)**

<p><u>Rayes, Nicholas L.</u> 09/12/91 DC No. 89-0208 (By Order) 169 ARIZ. 55 816 P.2d 1389</p>	<p>Failed to convey a settlement offer to his clients until the deadline for acceptance had expired. ER 1.3 ER 1.4(a) ER 1.4(b)</p>	<p>Suspension 30 days, Restitution</p>	<p>Censure, 1 yr probation, Restitution</p>	<p>Censure, probation and Restitution imposed by Order of Commission; 1 prior Informal Reprimand</p>
<p><u>Riches, Victor Wallis</u> 11/27/91 DC Nos. 91-0913 91-1376 91-1898 (By Order)</p>	<p>Continuation of Respondent's practice pending final resolution of the disciplinary proceedings concerning the charges of multiple acts of ethical misconduct, including misappropriation of funds, will result in substantial harm to the public, the legal profession, and/or the administration of justice.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p> <p>Respondent agrees that, because of his medical condition, he should not be practicing</p>
<p><u>Santaquida, Charles M.</u> 08/16/91 DC No. 87-1106 (By Order) 168 ARIZ. 451 814 P.2d 1388</p>	<p>Failed to completely pursue a client's claim despite the fact he had been paid a retainer; failed to discuss with a client the manner in which he intended to pursue his claim; failed to keep his client reasonably informed as to the status of the claim. ER 1.1 ER 1.2(a) ER 1.4</p>	<p>Accept Agreement for Censure, Restitution</p>	<p>Accept Agreement for Censure, Restitution</p>	<p>Censure and Restitution imposed by order of Commission; 1 prior Informal Reprimand</p>

DISCIPLINARY CASES MATRIX
(1991)

Slater, Lawrence B.

12/27/91
DC No. 89-1876

(By Order)
ARIZ.
821 P.2d 757

Failed to prevent his wife/office manager from diverting partnership funds, which she believed should go to her husband, into his own personal accounts.
ER 1.15(c)
ER 8.4(c)

Censure Censure

Censure imposed by Order of Commission; 2 prior Informal Reprimands; Respondent reported his own conduct to the State Bar

Smith, Nile Baker

07/20/91
DC Nos.

88-0029 88-0391
88-0142 88-0392
88-0181 88-0395
88-0182 88-0406
88-0255 88-0429
88-0276 88-0450
88-0280 88-0487
88-0281 88-0509
88-0287 88-0550
88-0290 88-0583
88-0306 88-0584
88-0317 88-0629
88-0332 88-0854
88-0358 88-1746
88-0387 88-1888

(By Opinion)
168 ARIZ. 357
813 P.2d 722

In numerous cases, accepted retainer fees, then abandoned the cases after doing little or no work; failed to appear at hearings; misappropriated clients' funds and property; failed to maintain any communication with numerous clients; mailed letters soliciting employment without marking them as advertisements; solicited employment from prospective clients with whom he had no relationship for his own pecuniary gain; failed to respond to the State Bar's inquiries and allegations.

ER 1.2(a) ER 8.1(b)
ER 1.3 ER 8.4(c)
ER 1.4 ER 8.4(d)
ER 1.15(b) SCR 51(h)
ER 1.16(d) SCR 51(i)
ER 7.2(e)(1)

Permanent
Disbarment,
Restitution

Disbarment,
Restitution

Permanent
Disbarment,
Restitution

4 prior Informal Reprimands; Prior censure; Placed on interim Suspension 3/22/88

DISCIPLINARY CASES MATRIX
(1991)

Soelter, Ralph Walter

03/19/91
DC No. 91-0379

(By Order)

Suspension in effect until final disposition of all charges or complaints pending before the State Bar of Arizona because it appears that he is engaged in a pattern of severe neglect of his clients' interests and he has consistently failed to respond to the State Bar. His practice of law has caused substantial harm to the public, the legal profession and the administration of justice.

N/A

N/A

Interim
Suspension

Stone, Harry Norman

03/19/91
Effective 04/23/91
DC No. 88-0630

(By Order)

Convicted of criminal contempt for disobeying a court order; failed to make reasonably diligent efforts to comply with discovery requests; made misrepresentations to the court; refused to disclose evidence to the opposing party; provided false information on two loan applications.

N/A

N/A

Accept
Disbarment
by Consent

ER 3.3(a)(1) ER 3.4(b) ER 8.4(a)
ER 3.3(a)(4) ER 3.4(c) ER 8.4(c)
ER 3.4(a) ER 3.4(d) ER 8.4(d)

Struthers, Andrew L.

06/13/91
DC Nos.: 91-0699
91-0735
91-0736

(By Order)

The continued practice of law by Respondent would result in harm, loss, and damage to the public, the legal profession, and the administration of justice, as he appears to be engaged in a pattern of conduct severely detrimental to the interests of his clients.

N/A

Accept
Motion for
Interim
Suspension

Interim
Suspension

DISCIPLINARY CASES MATRIX
(1991)

<p><u>Wade, E. Gene</u> 08/03/91 DC No. 05-2173 (By Opinion) 168 ARIZ. 412 814 P.2d 753</p>	<p>Entered into business trans- actions with a client with differing interests without the client's consent; failed to notify the client when he received properties of his client; failed to promptly or voluntarily provide an account- ing of the proceeds of the sales of properties of the client. DR 5-104(A) DR 9-102(B)</p>	<p>Suspension 2 years, Restitution</p>	<p>Suspension 2 years, Restitution</p>	<p>Suspension 4 years, Restitution, Fine</p>	<p>Court imposed \$2,000 fine for filing frivolous pleadings, in violation of ARCAP 25</p>
<p><u>Wurtz, Dennis Joseph</u> 11/06/91 DC No. 91-1911 (By Order)</p>	<p>Respondent appears to be engaged in a pattern of conduct severely detrimental to the interests of his clients. His continued practice of law would result in substantial harm, loss, and damage to the public, the legal profession, and the administra- tion of justice.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	
<p><u>Zang, Stephen M.</u> 01/23/91 DC Nos.: 85-1121 85-1326 85-1445 (By Opinion) 166 ARIZ 426 803 P.2d 419</p>	<p>Negotiated a settlement agree- ment despite the client's expressed opposition; failed to maintain proper communications; gave false information to a client; indicated to a client that the case was pending when, in fact, it had been dismissed. DR 1-102(A)(4) DR 1-102(A)(5) DR 1-102(A)(6) 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)</p>	<p>Disbarment/ Restitution Suspension, 1 year Disbarment</p>	<p>Disbarment/ Restitution Suspension, 1 year Disbarment</p>	<p>Disbarment/ Restitution Disbarment Disbarment</p>	<p>Disbarred 10/20/88 Prior Suspensions; 3 prior Informal Reprimands</p>