

**SUPREME COURT OF ARIZONA  
DISCIPLINARY CASES MATRIX  
(1997)**

<u>CASE NAME NUMBER/DATE</u>	<u>VIOLATIONS DESCRIPTION/ DISCIPLINARY RULES</u>	<u>COMMITTEE/ OFFICER RECOMMENDATION</u>	<u>COMMISSION RECOMMENDATION</u>	<u>COURT SANCTION</u>	<u>COMMENTS</u>
<p><b><u>Bemis, Kenneth P.</u></b> 07/18/97 DC Nos. 93-0095 94-0385 94-0386 SB-96-0049-D  (By Opinion) 189 ARIZ. 119 938 P.2D 1120</p>	<p>Submitted a minute entry to court that was clearly inaccurate, went far beyond the ruling of the court, and was worded to make the judge look bad; made attempts to meet with judges <i>ex parte</i>. ER 3.5(a) ER 8.4(c) ER 8.4(a) ER 8.4(d)</p>	<p>Censure &amp; Probation, 1 year</p>	<p>Censure &amp; Probation, 1 year</p>	<p>Censure &amp; Probation, 1 year</p>	<p>Commission-ordered probation is appealable when combined with recommendation of censure, notwithstanding Rule 53(d)(4); Respondent believed his actions were necessary to protect clients' interests; Aggravation: failed to recognize wrongful nature of misconduct</p>
<p><b><u>Bradshaw, Brent B.</u></b> 06/26/97 DC Nos. 94-0885 94-1109 95-0804 SB-97-0049-D  (By Judgment)</p>	<p>Failed to inform client that he had not filed motion for client because he had determined it would be unethical; failed to give client accounting of services and expenses; assisted client's wife in preparing <i>pro se</i> dissolution without first consulting and obtaining waiver from client; repeatedly and intentionally failed to cooperate with State Bar. ER 1.4 ER 8.1 SCR 51(h) ER 1.7 ER 8.4(a) SCR 51(i)</p>	<p>Suspension, 90 days. Prior to reinstatement: MAP &amp; Ethics instruction &amp; Professionalism Course</p>	<p>Suspension, 30 days &amp; immediate MAP. Prior to reinstatement: Ethics instruction &amp; Professionalism Course. Upon reinstatement: Probation, 2 years</p>	<p><i>Sua sponte</i> review declined</p>	<p>Commission finds 90-day suspension would be devastating to Bradshaw's sole practice; Probation includes LOMAP; Mitigation: expressed remorse; Aggravation: 1 prior informal reprimand</p>

**DISCIPLINARY CASES MATRIX  
(1997)**

**Brody, David C.**

03/28/97  
DC Nos. 94-2257  
95-0053  
95-0060  
95-0601  
SB-97-0016-D

(By Judgment)

Failed to comply with court's repeated requests to furnish documents; allowed client's appeal to be dismissed through lack of diligence; failed to honor medical lien; failed to represent client diligently in post-trial proceedings; failed to keep clients reasonably informed; failed to diligently represent client in trustee sale after accepting \$1,800 retainer; abandoned practice without reasonable notice to clients; failed to respond to any of State Bar inquiries.

ER 1.1	ER 1.15	ER 8.1(b)
ER 1.2	ER 1.16	ER 8.4(d)
ER 1.3	ER 3.1	SCR 51(e)
ER 1.4	ER 3.2	SCR 51(h)
ER 1.5	ER 5.3	SCR 51(i)
ER 1.6	ER 5.5(b)	SCR 51(k)

Disbarment &  
Restitution

Disbarment &  
Restitution

*Sua sponte*  
review declined

Disbarred at time of proceedings; Warrant issued for Brody's arrest for contempt of court

**Camacho, Edward**

01/21/97  
DC Nos. 94-1513  
94-2287  
95-0405  
SB-96-0079-D

(By Judgment)

Allowed summary judgment of over \$15,000 to be entered against clients without taking any steps to have it set aside or inform clients; intentionally misled clients by stating they could still present their case; after clients agreed to maximum settlement amount of \$2,500, settled case for \$5,000 without their knowledge or consent; converted settlement funds owed to Medicare to his own use; failed to respond to State Bar inquiries.

ER 1.1	ER 1.4	ER 8.4
ER 1.2	ER 1.15	SCR 51(h)
ER 1.3	ER 8.1	SCR 51(i)

Disbarment

Disbarment

*Sua sponte*  
review declined

Made restitution to Medicare at hearing; Claim of severe depression not supported with evidence; Excuses of extreme pressures and dire financial straits are insufficient in light of intervening years during which no remedial action was taken; Mitigation: expressed remorse; Aggravation: dishonest and selfish motive, substantial experience in practice of law, 1 prior informal reprimand, 1 prior censure

**DISCIPLINARY CASES MATRIX  
(1997)**

**Carrasco, Louie**

09/11/97

DC Nos. 94-1804

95-0996

95-2025

SB-97-0054-D

(By Judgment)

Failed to timely respond to motion to lift clients' bankruptcy stay; failed to move for reconsideration of lift stay; failed to move to stay trustee's sale, resulting in client's home being sold; failed to file timely answer on behalf of client; failed to inform client of date of default hearing; failed to notify clients of or attempt to set aside +\$5,000 judgment; failed to document a potential conflict of interest; mishandled trust account; failed to respond to State Bar inquiries.

ER 1.1    ER 1.15    SCR 44  
 ER 1.3    ER 8.1(b)    SCR 51(h)  
 ER 1.4    SCR 43    SCR 51(i)  
 ER 1.7

Accept Agreement for Suspension, 6 months & Probation, 2 years upon reinstatement

Accept Agreement for Suspension, 6 months & Probation, 2 years (+ additional probationary term re: MAP) upon reinstatement

*Sua sponte* review declined

State Bar's & Committee's confidence in Carrasco due to his cooperation and participation in LOMAP suggests longer suspension unwarranted; Aggravation: 2 prior informal reprimands; Mitigation: expressed remorse, alcohol abuse, has since set up IOLTA account

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Castro, Ernesto R.</u></b> 12/26/97 DC Nos. 92-1841 93-1523 93-1604 95-0116 95-1141 96-0044 96-0348 96-0734 SB-97-0086-D  (By Judgment)</p>	<p>Failed to perform work for 6 clients; improperly retained clients' money; grossly inadequate representation of 2 clients resulted in conviction of one and entry of summary judgment against the other; refused to pay his own legal fees, resulting in sanction by court, finding of contempt, and bench warrant; without court authorization, disbursed 100% of minor client's \$100,000 settlement to conservator and others prior to client's reaching majority; failed to comply with numerous court orders; failed to keep client informed, resulting in client's arrest and incarceration; shared legal fees with non-lawyer and allowed non-lawyer to give legal advice; failed to notify clients of his suspension; failed to respond to State Bar. ER 1.1 ER 1.7 ER 3.4 ER 8.1 ER 1.3 ER 1.15 ER 4.1 ER 8.4 ER 1.4 ER 1.16 ER 5.2 SCR 51(i) ER 1.5 ER 3.3 ER 5.4 SCR 63</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p><i>Sua sponte</i> review declined</p>	<p>Suspended at time of proceedings; Some improper disbursements of minor client's funds were made to conservator's boyfriend, who was Castro's client; Aggravation: 1 prior censure, 5 prior informal reprimands</p>
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**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Clark, Greg</u></b>  12/02/97 DC No. 95-2033 SB-97-0087-D  (By Judgment)</p>	<p>Incompetence and lack of diligence resulted in juvenile client's transfer to adult court: failed to present second psychological evaluation or call psychologist as witness, even though evaluation was available; failed to interview any witnesses; failed to present mitigating evidence; failed to argue for juvenile transfer deferral program, under Rule 14.1, which was a particularly viable option. ER 1.1    ER 1.3    ER 1.4</p>	<p>N/A</p>	<p>Accept Agreement for Censure</p>	<p><i>Sua sponte</i> review declined</p>	<p>Juvenile's transfer was reversed by Court of Appeals; Mitigation: no prior discipline, cooperative attitude, expressed remorse, no dishonest or selfish motive; No aggravation</p>
<p><b><u>Collins, James Peyton</u></b>  07/02/97 DC Nos. 92-1201       92-1317       92-1515       93-0649       93-0719       93-0788 SB-97-0058-D  (By Judgment)</p>	<p>Failed to adequately oversee operation of Arizona law practice he took over while continuing to practice primarily in California, resulting in employees embezzling, within first 3 months of his taking over practice, funds totaling \$53,000 collected on behalf of clients. ER 1.15    SCR 43    SCR 44 ER 5.3</p>	<p>Accept Agreement for Censure</p>	<p>Accept Agreement for Censure</p>	<p><i>Sua sponte</i> review declined</p>	<p>Mitigation: took immediate corrective action upon learning of embezzlement, made complete restitution, self-reported to State Bar</p>

**DISCIPLINARY CASES MATRIX  
(1997)**

<b><u>Coury, Albert M.</u></b>	In two separate business deals, signed wife's name on numerous documents, incurring liability on her behalf, without her knowledge or permission; had false signature notarized by employees; represented wife in litigation without her permission or knowledge; allowed plaintiff's motion to go unanswered, resulting in judgment of over \$45,000 against his wife; knowingly included false statement in court document.	Accept Agreement for Suspension, 6 months & Restitution	Accept Agreement for Suspension, 6 months & Restitution	<i>Sua sponte</i> review declined	Conduct involved personal business, not practice of law; Ordered to make restitution of \$76,200 to wife; Abundant mitigation: no prior discipline, cooperation with the disciplinary process, good faith effort to make restitution, remorse, inexperience in practice of law, believed his actions were permissible given wife's long-standing permission to take action on behalf of community property, not currently practicing law; No aggravation
06/09/97 DC Nos. 93-0061 94-0929 SB-97-0044-D	DR 1-102(A)(4) ER 1.4 ER 4.1 ER 1.2 ER 1.7 ER 8.4				
(By Judgment)					
<b><u>Dutton, Vickie M.</u></b>	Convicted of Class 3 felony (attempted transportation of more than two pounds of marijuana for sale).	N/A	N/A	Consent to Disbarment	
02/11/97 DC 96-2050 SB-97-0013-D					
(By Judgment)					

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Emerson, John F.</u></b>  10/30/97 DC No. 95-1117 SB-97-0038-D  (By Judgment)</p>	<p>Failed to comply with discovery disclosure rules and failed to file a mandated joint pretrial statement, resulting in \$280,000 judgment against client, which was later trebled to \$840,000.</p>	<p>ER 1.3      ER 1.16      ER 3.4 ER 1.4      ER 3.2      ER 8.4 ER 1.15</p>	<p>Accept Agreement for Suspension, 6 months (retroactive to 1/1/96) &amp; Probation, 2 years &amp; Restitution &amp; Conditions for Reinstatement</p>	<p>Accept Agreement for Suspension, 6 months (retroactive to 1/1/96) &amp; Probation, 2 years &amp; Restitution &amp; Conditions for Reinstatement</p>	<p><i>Sua sponte</i> review declined &amp; Probation begins upon return to active status</p>	<p>Effective date is date he transferred to inactive status; Assisted client in having judgment set aside; Probation includes MAP, practice monitor &amp; sobriety monitor; Aggravation: substantial experience; Mitigation: no prior discipline, no dishonest or selfish motive, cooperative attitude, expressed remorse, voluntarily stopped practicing, offered to return client's legal fees, recovering from alcohol abuse</p>
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**DISCIPLINARY CASES MATRIX  
(1997)**

**Farrer, Robert J.**

09/30/97  
DC No. 93-1500  
SB-97-0024-D

(By Judgment)

While serving as both PR and attorney for estate, as well as attorney for elderly sole beneficiary: borrowed ≈\$1,000,000 from estate, half of which was borrowed *after* beneficiary had renounced her interest in favor of contingent beneficiary charities; waited 14 months before informing charities of her renunciation and of fact that they would receive their inheritance in payments as Farrer repaid his loan to estate; borrowed money from beneficiary/client to pay charity who objected to that manner of distribution; failed to fully inform client of possible effect of conflict of interest; some repayments to client are seriously delinquent; charged bene/client +\$103,00 in fees/costs without fee agreement and without ever producing any records; failed to disclose the amount of his fees to either client or court; failed to fully disclose information re: fees to State Bar.

ER 1.2      ER 1.8      ER 4.1  
ER 1.5      ER 3.3      ER 8.4  
ER 1.7

Disbarment &  
Restitution

Suspension, 5 years  
& less Restitution

*Sua sponte*  
review granted,  
then vacated

Client/bene had extensive business background; Farrer advised client/bene to seek independent counsel; Client is adamant that loan to Farrer was made willingly; Client/bene attempted to intervene in these proceedings on Farrer's behalf; Expert testified that legal fees should not have exceeded \$10,000

**Friedman, Ben C.**

03/27/97  
DC No. 97-0465  
SB-97-0023-D

(By Order)

Found guilty of offense of bribery of a public servant.

N/A

N/A

Interim  
Suspension

**DISCIPLINARY CASES MATRIX  
(1997)**

<b><u>Fuller, Richard T.</u></b>	Failed to respond to State Bar's inquiries. ER 8.1      SCR 51(h)      SCR 51(i)	Censure	Censure	<i>Sua sponte</i> review declined	6 prior informal reprimands (2 for identical conduct); Intentional conduct
08/12/97 DC No. 95-1188 SB-97-0065-D					
(By Judgment)					
<b><u>Heck, Donald O.</u></b>	Borrowed money from a client without reducing the terms to writing or obtaining the client's consent in writing, then failed to repay the loan when promised. ER 1.8(a)	N/A	Accept Agreement for Censure & Restitution	<i>Sua sponte</i> review declined	Restitution paid prior to Commission's recommendation
12/17/97 DC No. 96-2184 SB-97-0088-D					
(By Judgment)					
<b><u>Higgins, Thomas E., Jr.</u></b>	Attempted to reimburse client with NSF trust account check; never repaid the client; failed to respond to client inquiries; submitted document to court containing misinformation in order to justify his request for extension of time; failed to return unearned fees to clients; failed to take action on client's case for two months, after client clearly indicated that statute of limitations made speed essential; failed to advise client and former client of a potential conflict of interest; during disciplinary hearing, submitted doctored statement misrepresenting amount of work performed, and misrepresented to State Bar that he had a finalized written fee agreement with client stating that \$10,000 of fee was nonrefundable. ER 1.3      ER 1.7      ER 3.3 ER 1.4      ER 1.9      ER 8.4(c) ER 1.5      ER 1.16	Suspension, 2 years & Restitution	Suspension, 2 years & Restitution & Pass Multi-State Professional Responsibility Exam & Attend Professionalism Course & Evidence full compliance. Upon reinstatement: Probation, 2 years	Petition for Review denied	Probation includes LOMAP and MAP; Client received full refund of unearned fees four years later; Aggravation: dishonest/selfish motive, 4 prior informal reprimands, prior probation; Significant mitigation reduces sanction from disbarment to suspension: substance abuse, personal and emotional problems, assists others with substance abuse problems, no pending discipline
05/30/97 DC Nos. 91-0021 92-2111 93-0221 SB-97-0026-D					
(By Judgment)					

**DISCIPLINARY CASES MATRIX  
(1997)**

**Hustad, James R.**

12/26/97  
DC No. 94-2219  
SB-97-0080-D

(By Judgment)

In a probate matter, filed proof of notice which intentionally misstated mailing date of notice of hearing; knowingly submitted order for court's signature that misrepresented court's findings; submitted amended order also containing incorrect findings; asserted frivolous defense; failed to comply with judge's order in Rule 11 proceedings; filed frivolous motion to recuse judge; after court found Rule 11 violation and fined him \$5,000, he filed yet another frivolous document.

ER 3.1      ER 3.4(c)      ER 8.4(c)  
ER 3.3(a)(1)

Suspension, 1 year  
(retroactive to  
1/13/97) &  
Conditions for  
Reinstatement

Suspension, 1 year  
(retroactive to  
1/13/97) &  
Conditions for  
Reinstatement

*Sua sponte*  
review declined

Effective date is date of Committee hearing; Sanctioned an additional ≈\$4,500 by court; Neither judgment had been satisfied as of the Committee hearing date; 3 prior informal reprimands (2 were issued in connection with aspects of this matter)

**Izen, Joseph Alfred, Jr.**

03/13/97  
DC Nos. 92-0041  
92-2122  
SB-97-0012-D

(By Judgment)

Filed documents with court containing frivolous and unsubstantiated statements and disparaging remarks about judges and opposing counsel; failed to pay \$2,500 penalty imposed by court.  
ER 3.1      SCR 41(c)      SCR 51(k)  
ER 8.2(a)      SCR 51(e)

Censure &  
No permission to  
practice before  
Arizona courts until  
all sanctions and  
costs paid

Censure &  
No permission to  
practice before  
Arizona courts until  
all sanctions and  
costs paid &  
Forward record of  
proceedings to  
Texas

*Sua sponte*  
review declined

Misconduct occurred while admitted in Arizona *pro hac vice* (admitted in Texas); False statements were "deliberately destructive and unwarranted personal assault"; Motions to dismiss discipline complaint based on lack of personal jurisdiction and lack of subject matter jurisdiction were denied; Imposition of suspension impractical since Izen is not Arizona attorney; Aggravation: refused to acknowledge wrongful nature of conduct

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Jackson, Kent W.</u></b>  10/08/97 DC 97-1762 SB-97-0067-D  (By Order)</p>	<p>Continued practice of law would result in substantial harm, loss, and damage to public, legal profession, and administration of justice.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension &amp; Practice monitor &amp; Trust account audit</p>	<p>Suspension in effect until final disposition of all pending proceedings, unless earlier vacated or modified</p>
<p><b><u>Larriva, Lionel F.</u></b>  01/24/97 DC No. 92-0558 SB-96-0020-D  (By Judgment)</p>	<p>Knowingly continued to practice after being suspended for MCLE violation; failed to respond to State Bar inquiries. ER 5.5      SCR 51(e)      SCR 51(h) ER 8.1      SCR 51(f)      SCR 51(i)</p>	<p>Censure &amp; Probation, 1 year</p>	<p>Suspension, 6 months + 1 day &amp; Probation, 1 year</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes MAP; Mitigation: cooperated during formal discipline proceedings, over thirty years of experience; Aggravation: 1 prior informal reprimand for failure to cooperate with disciplinary investigation</p>
<p><b><u>Macioce, Frank J.</u></b>  12/24/97 DC Nos. 92-1793 93-1467 SB-97-0076-D  (By Judgment)</p>	<p>Left DUI client's sentencing hearing before the case was called, leaving client without representation; falsified client's signature on fee agreement for submission during disciplinary proceedings; accepted \$1,000 as partial retainer in anticipation of fighting appeal of another client's DUI dismissal--when appeal was never filed, he failed to inform client and continued to press client for balance due on the retainer. ER 1.3      ER 1.5      ER 8.1(a) ER 1.4      ER 1.16(d)      ER 8.4</p>	<p><i>Majority:</i> Conditionally Accept Agreement for Suspension, 3 years <i>1 Member:</i> Accept Agreement as submitted</p>	<p>Accept Amended Agreement for Suspension, 3 years &amp; Professionalism Course &amp; Practice Monitor upon reinstatement</p>	<p><i>Sua sponte</i> review declined</p>	<p>Parties amended agreement pursuant to Commission's comments; Mitigation: no prior discipline, inexperience in practice of law, expressed remorse; Proportionality of <i>In re Fioramonti</i> and <i>In re Irwin</i> indicate suspension more appropriate than disbarment</p>

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Manning, Michael S.</u></b> 01/21/97 DC Nos. 94-1056 94-1418 94-1420 94-1434 94-1435 94-1451 94-1496 94-1635 94-1705 94-1857 94-1876 94-1996 94-2324 95-0152 95-1037 SB-96-0075-D  (By Judgment)</p>	<p>While in partnership with non-lawyers for purpose of engaging in practice of law (generally for bankruptcy matters): failed to diligently represent clients, failed to respond to clients' requests for information, failed to perform services for clients, failed to meet with clients, issued NSF check to client in response to court order to return client fees, failed to file client's bankruptcy papers, gave client inaccurate advice causing him to lose equity in his home, failed to return refund received on behalf of client, allowed his office to file Chapter 13 bankruptcy for client after client informed him that foreclosure had already occurred, required clients to provide post-dated checks as fee despite advertisements claiming "nothing down" required; abandoned practice without informing clients; failed to respond to State Bar in all 29 counts.</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p><i>Sua sponte</i> review declined</p>	<p>Refusal to provide State Bar with current address resulted in his not receiving all pleadings; Serving 4-year suspension at time of proceedings; No mitigation; Aggravation: Manning could not be found, did not participate, misconduct affected 14 clients, 1 prior censure, vulnerable victims, substantial experience in practice of law, total indifference to making restitution</p>
	<p>ER 1.1      ER 3.4      SCR 43 ER 1.2      ER 5.3      SCR 44 ER 1.3      ER 5.4      SCR 51(e) ER 1.4      ER 5.5      SCR 51(h) ER 1.5      ER 8.1(b)    SCR 51(i) ER 1.15     ER 8.4(c)    SCR 51(k) ER 1.16</p>				

**DISCIPLINARY CASES MATRIX  
(1997)**

<b><u>McCormick, Cynthia R.</u></b>	Failed to maintain communication with clients; failed to diligently pursue clients' cases; fabricated details of her diligent pursuit of cases to clients; failed to inform client for over four years that she had not filed lawsuit within statute of limitations, rendering client ineligible for additional compensation to which he had been entitled; failed to turn files over to new counsel; failed to appear at deposition despite subpoena ordering her to appear with client's file; failed to appear at OSC hearing; failed to respond to State Bar inquiries.	Accept Agreement for Suspension, 3 years (retroactive to 7/15/96) & Restitution	Accept Agreement for Suspension, 3 years (retroactive to 7/15/96) & Restitution	<i>Sua sponte</i> review declined	Mitigation: no dishonest or selfish motive, personal and emotional problems, client files returned prior to submission of agreement for discipline, cooperated during formal discipline proceedings, no injury to clients, no intent to injure clients; Aggravation: 1 prior informal reprimand
05/02/97 DC Nos. 93-1136 94-0255 94-2318 94-2378 95-1185 95-1568 95-2122					
SB-97-0034-D					
(By Judgment)	ER 1.1 ER 1.16(d) SCR 43 ER 1.2 ER 3.4 SCR 44 ER 1.3 ER 8.1(b) SCR 51(h) ER 1.4 ER 8.4 SCR 51(i) ER 1.15				
<b><u>McKee, Roger A.</u></b>	Failed to timely pursue five clients' cases, resulting in one client filing suit, two clients' matters being dismissed for failure to prosecute, and entry of summary judgment against another client; after reaching a settlement agreement to refund client's entire \$800 retainer, he refused to do so, claiming he would instead cancel a balance owed to him by client's daughter; filed new civil action for one client's dismissed case but failed to include many of original counts; stopped communicating with clients for months; failed to respond to State Bar inquiries.	Suspension, 2 years (retroactive to 11/22/96) & Restitution & Probation upon Reinstatement & Conditions for Reinstatement	Suspension, 2 years (retroactive to 11/22/96) & Restitution & Probation upon Reinstatement & Conditions for Reinstatement	<i>Sua sponte</i> review declined	Suspended at time of proceedings; Effective date is effective date of his current suspension; McKee states he stopped pursuing some matters because clients owed him significant amounts of money; Aggravation: vulnerable clients, 20 years' experience in practice of law, 3 prior informal reprimands; Significant Mitigation: character and reputation, personal and emotional problems, OCD (also relevant in prior suspension)
12/26/97 DC Nos. 94-2152 95-1301 95-1457 95-1526 96-0135					
SB-97-0082-D					
(By Judgment)	ER 1.3 ER 1.16(d) SCR 51(h) ER 1.4 ER 8.1 SCR 51(i)				

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Melton, Walter Bruce</u></b> 09/11/97 DC Nos. 94-2350 95-0156 95-0789 95-0878 95-1339 95-1555 SB-97-0061-D  (By Judgment)</p>	<p>Failed to perform any work for which he was retained (and paid) by 4 clients; lied to each client to cover up his failure to perform; blamed court for his lack of diligence with 1 client; stopped participating in another client's lawsuit, including failing to appear for client's arbitration hearing; failed to comply with court order, resulting in court order to withdraw from the case; failed to return clients' paperwork; failed to comply with discovery rules; failed to respond to State Bar inquiries or participate in disciplinary proceedings. ER 1.2    ER 1.16    SCR 51(e) ER 1.3    ER 3.2    SCR 51(h) ER 1.4    ER 8.1(b)    SCR 51(i) ER 1.5    ER 8.4    SCR 51(k) ER 1.15</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p><i>Sua sponte</i> review declined</p>	<p>Disbarred at time of proceedings; Aggravation: failure to file client's tax return resulted in \$1,700 penalty for client, 3 prior informal reprimands, substantial experience, indifference to making restitution; No mitigation</p>
<p><b><u>Menor, Judith A.</u></b> 10/30/97 DC No. 95-1601 SB-97-0052-D  (By Judgment)</p>	<p>Practiced law in Arizona while not a member of the State Bar of Arizona and without admission <i>pro hac vice</i>. ER 5.5    ER 7.5    SCR 31(a)(3) ER 7.1(a)</p>	<p>Censure</p>	<p>Censure</p>	<p>Petition for Review declined</p>	<p>Licensed to practice in Wisconsin; Intent was to protect the public (friends/acquaintances); Her belief that she was not engaging in UPL indicates conduct was negligent, not intentional; Mitigation: no dishonest or selfish motive, personal problems, cooperation during proceedings, expressed remorse; Aggravation: refusal to acknowledge wrongful nature of conduct; Costs and expenses waived</p>

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Murphy, Michael L.</u></b> 05/22/97 DC No. 91-1053 SB-95-0055-D  (By Opinion) 188 Ariz. 375 936 P.2d 1269</p>	<p>Used private knowledge of clients' sales difficulties to extract personal guarantees before agreeing to invest in clients' real estate venture; failed to recognize or ignored conflicts of interest between clients who were investors and promoters; entered into business transaction with client without making full disclosure and allowing reasonable opportunity to seek independent counsel. ER 1.6(a)    ER 1.7(b)    ER 1.8(b) ER 1.7(a)    ER 1.8(a)    ER 1.9(a)</p>	<p><i>Member 1:</i> Suspension, 2 years <i>Member 2:</i> Suspension, 5 years <i>Member 3:</i> Disbarment</p>	<p>Suspension, 1 year &amp; Ethics portion of bar exam</p>	<p>Suspension, 1 year</p>	<p>26 years of practice without prior discipline indicates suspension over disbarment; Aggravation: selfish motive, refusal to acknowledge wrongful nature of conduct, substantial experience</p>
<p><b><u>Parks, Richard C., II</u></b>  10/28/97 DC No. 97-2075 SB-97-0074-D  (By Order)</p>	<p>Continued practice of law would result in substantial harm, loss, and damage to public, legal profession, and administration of justice.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	<p>Suspension in effect until final disposition of all pending disciplinary proceedings</p>

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Pavilack, Lawrence L.</u></b> 09/22/97 DC No. 94-2494 SB-97-0071-D  (By Judgment)</p>	<p>Failed to supervise office personnel or review or reconcile any of firm's bank statements, which allowed office administrator/bookkeeper to embezzle and/or misappropriate clients' and firm's funds; failed to respond to State Bar inquiries or file answer to complaint. ER 1.15(a) ER 8.1(b) SCR 43(a) ER 5.1(a) ER 8.4(a) SCR 44(b) ER 5.3(a) SCR 51(h) ER 5.3(b) SCR 51(i)</p>	<p>Censure &amp; Probation, 1 year</p>	<p>Censure &amp; Probation, 1 year</p>	<p><i>Sua sponte</i> review declined</p>	<p>Significant delay in disciplinary proceedings; Mitigation: in conjunction with law partner, took immediate remedial action upon discovering misappropriation, 30 years' experience with no prior discipline, no dishonest or selfish motive, expressed sorrow and remorse, willingness to participate in counseling; No aggravation; Commission finds informal reprimand inadequate for such careless and potentially disastrous conduct</p>
<p><b><u>Raben, Ronald J.</u></b> 03/11/97 DC No. 96-1026 SB-96-0076-D  (By Judgment)</p>	<p>Fraud upon clients and partners so that he became a defendant in several multi-million dollar law suits.</p>	<p>N/A</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Reciprocal discipline (Missouri) from 1990; Voluntarily surrendered Missouri license; Failed to notify Arizona of Missouri action</p>
<p><b><u>Rappeport, Jon A.</u></b> 05/02/97 DC Nos. 93-0483 93-1518 SB-97-0028-D  (By Judgment)</p>	<p>Failed to provide reasonable child visitation to ex-wife as ordered by court; failed to appear at trial on his own behalf in custody/visitation matter; failed to perform work on client's case; failed to provide accounting of legal services performed or return client file. ER 1.3 ER 1.15 SCR 31(c)(3) ER 1.4 ER 1.16 SCR 51(e) ER 1.5 ER 3.4 SCR 51(k)</p>	<p>Suspension, 2 years &amp; Restitution</p>	<p>Suspension, 2 years &amp; Restitution</p>	<p><i>Sua sponte</i> review declined</p>	<p>Commission notes lawyer must be held to higher standard in his personal legal matters than general public; Mitigation: no prior discipline; Aggravation: dishonest or selfish motive, vulnerable victims, indifference to making restitution, did not participate in disciplinary proceedings</p>

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Redondo, William J.</u></b> 05/07/97 DC Nos. 95-0180 95-0468 95-0755 SB-97-0027-D  (By Judgment)</p>	<p>Failed to provide clients with settlement disbursement sheet; failed to inform client of settlement amount; offered to invest clients' settlement funds and pay interest to clients, then stopped paying interest and refused to provide accountings of "invested" funds; took attorneys' fees out of client's settlement without client's knowledge or consent; told client that, for \$5,000, he could obtain shorter sentence, then failed to present any witnesses or evidence at sentencing hearing, resulting in no reduction in sentence; failed to return client's phone calls concerning sentencing; refused to return any portion of retainer; failed to inform client of suspension; failed to respond to State Bar inquiries. ER 1.3    ER 1.15    SCR 44 ER 1.4    ER 8.1(b)    SCR 51(h) ER 1.5    ER 8.4    SCR 51(i) ER 1.8    SCR 43</p>	<p>N/A</p>	<p>N/A</p>	<p>Consent to Disbarment &amp; Restitution to Client Security Fund</p>	<p>Suspended at time of proceedings; Admitted he owed client \$27,000; Aggravation: 4 prior informal reprimands, 2 prior suspensions</p>
<p><b><u>Riggs, Raymond D.</u></b>  07/21/97 DC Nos. 97-1251 SB-97-0056-D  (By Order)</p>	<p>Convicted of Class 5 felony (theft).</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	<p>Suspension in effect until completion of disciplinary proceedings based on this conviction</p>

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Riggs, Russel O.</u></b>  07/21/97 DC No. 97-1252 SB-97-0057-D</p>	<p>Convicted of Class 5 felony (theft).</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	<p>Suspension in effect until completion of disciplinary proceedings based on this conviction</p>
<p>(By Order)</p>					
<p><b><u>Romney, K. Russell</u></b>  03/28/97 DC No. 97-0353 SB-97-0017-D</p>	<p>Continued practice of law would result in substantial harm, loss, and damage to public, legal profession, and administration of justice.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension (effective 4/15/97)</p>	<p>Suspension in effect until final disposition of all pending proceedings, unless earlier vacated or modified</p>
<p>(By Order)</p>					
<p><b><u>Ronan, Timothy Dwyer</u></b>  01/28/97 DC No. 95-1083 SB-97-0007-D</p>	<p>Mistakenly indicated on claim for unemployment benefits that he had not earned any income; pled guilty to criminal charges filed as a result of "false claim." ER 8.4(b)    ER 8.4(c)    SCR 51(a)</p>	<p>N/A</p>	<p>Accept Agreement for Censure &amp; Probation, 1 year</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes ethics CLE; Upon realizing his error, he repaid all unemployment benefits collected, including those to which he had been entitled; Reported himself to State Bar; Mitigation: paid fine of \$500 plus 57% surcharge in criminal matter, no prior discipline</p>
<p>(By Judgment)</p>					

**DISCIPLINARY CASES MATRIX  
(1997)**

**Sadacca, Henri L., II**

06/10/97

DC Nos. 92-1781

92-1943

93-1472

94-0369

94-0570

SB-97-0037-D

(By Judgment)

Failed to respond to client inquiries; failed to keep client informed; failed to resolve client's case; failed to include terms specifically requested by client in sales contract, resulting in loss of revenue to client's business; filed complaint on client's behalf naming incorrect party as defendant and including factual errors; failed to file amended complaint when defendant's motion to dismiss was granted; failed to inform client of dismissal of lawsuit or of fees and sanctions assessed against him; failed to obtain authorization from bankruptcy court to accept fees for his legal services; failed to adequately instruct partners as to what business transactions they could undertake while under jurisdiction of Bankruptcy Court; failed to file order or notice of hearing in client's bankruptcy; failed to inform clients that bankruptcy had been converted to Chapter 7; failed to appear on client's behalf at bankruptcy hearing; failed to respond to State Bar inquiries.

ER 1.1	ER 1.7	ER 8.4
ER 1.2	ER 1.16(d)	SCR 51(h)
ER 1.3	ER 3.4(c)	SCR 51(i)
ER 1.4	ER 8.1(b)	

Accept Agreement for Suspension, 30 months (retroactive to 05/27/94)

After remand, Accept Amended Agreement for Suspension, 36 months (retroactive to 05/27/94). Upon reinstatement: Probation, 2 years

*Sua sponte* review declined

Effective date is date Sadacca placed on MCLE suspension; Probation includes practice monitor, LOMAP, CLE; Aggravation: 1 prior informal reprimand, 1 prior censure; Mitigation: expressed remorse, interim rehabilitation, experiencing personal and emotional distress at time of misconduct

**DISCIPLINARY CASES MATRIX  
(1997)**

<b><u>Segal, Theodore J.</u></b>	Admitted allegations contained in 29 matters.	N/A	N/A	Consent to Disbarment	Suspended at time of proceedings; Agreed to make restitution to 29 parties
07/21/97					
DC Nos. 93-1666					
94-1823	94-2342				
95-1549	95-1832				
95-2179	96-0141				
96-0294	96-0779				
96-0782	96-0875				
96-0882	96-0914				
96-0959	96-1044				
96-1351	96-1392				
96-1398	96-1472				
96-1606	96-1652				
96-1680	96-1707				
96-1759	96-1789				
96-1913	96-1920				
96-1980	96-2112				
96-2125	96-2319				
97-0678					
SB-97-0051-D					
(By Judgment)					
<b><u>Skivington, Steve T.</u></b>	Failed to perform work for client; failed to communicate with client; filed frivolous action against client for "unpaid" fees which had already been paid; issued NSF draft on trust account; failed to maintain trust account records; made misrepresentations during State Bar's investigation.	Accept Agreement for Suspension, 3 years & Audit trust account	Accept Agreement for Suspension, 3 years & Audit trust account	<i>Sua sponte</i> review declined	Aggravation: 3 prior informal reprimands; Mitigation: no dishonest or selfish motive, returned all client funds long before disciplinary charges filed, expressed remorse
11/17/97					
DC No. 93-1040					
SB-97-0073-D					
(By Judgment)					
ER 1.1	ER 1.15	ER 8.4(c)			
ER 1.2	ER 3.1	SCR 43			
ER 1.3	ER 8.1(b)	SCR 44			

**DISCIPLINARY CASES MATRIX  
(1997)**

**Stewart, Scott A.**

12/26/97  
DC Nos. 95-0854  
95-2135  
96-0110  
96-0434  
96-0526  
96-0531  
96-0793  
SB-97-0083-D

(By Judgment)

Failed to communicate with clients; failed to perform work for which he was retained and paid; failed to advise client of necessity of being present at hearing; failed to honor doctor's lien; failed to appear at client's DES hearing; failed to ensure that brief was filed with court, despite court's specific order to file it; after subsequently being found in contempt and being ordered a second time to file the brief, filed it untimely; failed to comment when former client's opposing counsel sent agreement and stipulation to him for approval; failed to respond to State Bar inquiries.

ER 1.3    ER 1.15    ER 3.4  
ER 1.4    ER 1.16(d)    ER 8.1(b)  
ER 1.5    ER 3.2    SCR 51(h)

Accept Agreement  
for Suspension,  
2 years (retroactive  
to 9/24/96)

Accept Agreement  
for Suspension,  
2 years (retroactive  
to 9/24/96)

*Sua sponte*  
review declined

Effective date is date he acknowledged that his addiction made him unfit to practice law; Mitigation: no dishonest or selfish motive, expressed remorse, accepted responsibility for his actions, voluntarily fully reimbursed clients, severe personal and emotional problems, physical or mental impairment; Period of apparently successful control of his addiction indicates more severe sanction unwarranted

**Vargas, Joseph Bert**

05/02/97  
DC Nos. 91-2211  
93-0507  
SB-97-0021-D

(By Order)

Covered up his failure to return his credentials after leaving his position as assistant U.S. attorney; persuaded administrative assistant to create false documentation as evidence; falsely told former employer that he had returned credentials and that there was evidence to prove it; attempted to mislead State Bar with same story; pled guilty to misdemeanor violation based on his misappropriation of a ram's head trophy his office had obtained from a criminal prosecution.

ER 1.15    ER 8.1    ER 8.4(b)  
ER 3.4(b)    ER 8.4(a)    ER 8.4(c)

Suspension, 1 year

Suspension, 1 year  
& Professionalism  
Course.  
Upon reinstatement:  
Probation, 2 years

*Sua sponte*  
review declined

Administrative assistant was forced to resign; Significant mitigation: good reputation, expressed remorse, no prior discipline, involvement in community and bar activities; Aggravation: attempted to impugn character of another to hide his misconduct

**DISCIPLINARY CASES MATRIX  
(1997)**

**Weisling, Chris G.**

11/17/97

DC Nos. 95-2209

96-0477

SB-97-0081-D

(By Judgment)

Failed to assist client with problems involving child support; failed to adequately communicate with clients; failed to diligently represent client in DES matter; incorrectly informed client that he need not appear at hearing; failed to respond to State Bar inquiries.

ER 1.3    ER 8.1(b)    SCR 51(h)  
ER 1.4    SCR 43        SCR 51(i)  
ER 3.4    SCR 44

Accept Agreement  
for Suspension,  
9 months  
(retroactive to  
6/10/96)

Accept Agreement  
for Suspension,  
9 months  
(retroactive to  
6/10/96)

*Sua sponte*  
review declined

Effective date is date he was transferred to inactive status; Court found that Weisling abandoned his DES client; Mitigation: inexperienced in practice of law, personal and emotional problems, no dishonest or selfish motive; Comparison with *In re Lincoln & In re Carrasco* (1994) indicate 9-month suspension appropriate

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Zavala, Michael O.</u></b> 03/28/97 &amp; 09/18/97 DC Nos. 91-0432 93-0243 95-0002 95-1094 SB-97-0020-D  (By Judgment)</p>	<p>Did virtually nothing on case involving client whose son had been molested while attending school for deaf and blind; repeatedly misrepresented to client he was actively pursuing case; failed to honor medical lien upon settlement of case; in wrongful death action, failed to timely file client's complaint, failed to respond to interrogatories, dismissed claims without consulting client, conducted inadequate discovery, failed to timely respond to motions for summary judgment; in foreclosure action, failed to inform client of motion for summary judgment, resulting in \$300,000 judgment against client and order foreclosing on her home; failed to preserve wrongful death counterclaim against opposing party; accepted settlement monies from defendant's mother, but failed to inform defendant's counsel and later falsely stated there had been no written agreement; failed to respond to State Bar inquiries or participate in formal process.</p>	<p>Disbarment &amp; Restitution</p>	<p>Disbarment &amp; Restitution</p>	<p>Disbarment</p>	<p>Client forced to retain new counsel; Sanctions imposed against Zavala and client; Court initially ordered disbarment but remanded matter to Commission for determination of exact restitution; Second court order declined to order restitution as it became moot when respondent died prior to issuance of restitution order</p>
	<p>ER 1.1    ER 3:2    ER 8.4 ER 1.2    ER 3.4(c)    SCR 51(e) ER 1.3    ER 3.4(d)    SCR 51(h) ER 1.4    ER 4.4    SCR 51(i) ER 1.15    ER 8.1(b)    SCR 51(k) ER 3.1</p>				

**DISCIPLINARY CASES MATRIX  
(1997)**

<p><b><u>Ziman, Meyer Louis</u></b> 03/26/97 DC No. 93-0557 SB-97-0029-D  (By Judgment)</p>	<p>Failed to use written fee agreements; failed to call witnesses in arbitration hearing; failed to inform clients of hearing; settled case without client's knowledge or consent; failed to provide clients with closing financial statements; failed to maintain adequate communication with client; abandoned client's case without notification. ER 1.2      ER 1.4 ER 1.3      ER 1.5</p>	<p>N/A</p>	<p>Accept Agreement for Censure &amp; Restitution &amp; Probation, 1 year</p>	<p><i>Sua sponte</i> review declined</p>	<p>Probation includes LOMAP; Conduct resulted from negligence; Aggravation: 1 prior informal reprimand, 1 prior suspension imposed after current misconduct occurred; Mitigation: no dishonest or selfish motive, cooperative attitude, expressed remorse, interim rehabilitation</p>
<p><b><u>Zukowski, H. Michael</u></b> 09/11/97 DC No. 96-2065 SB-97-0053-D  (By Judgment)</p>	<p>New York license indefinitely suspended for failing to answer 2 disciplinary complaints and failing to comply with disciplinary committee's request to provide information on 3 complaints.</p>	<p>N/A</p>	<p>Suspension, 5 years (may request early termination if reinstated as active member in good standing in NY) &amp; Conditions for reinstatement</p>	<p><i>Sua sponte</i> review declined</p>	<p>Reciprocal discipline (New York); Five-year conditional suspension determined to be analogous to New York's "indefinite suspension"</p>