

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED
MEMBER OF THE STATE BAR OF
ARIZONA,

WALTER T. MERRILL,
Bar No. 011005

Respondent.

PDJ-2018-9066

**FINAL JUDGMENT AND
ORDER OF DISBARMENT**

[State Bar No. 18-2288-RC]

FILED SEPTEMBER 11, 2018

Under Rules 54(h) and 57(b), *Reciprocal Discipline*, Ariz. R. Sup. Ct., a certified copy of the Supreme Court of Utah’s Order accepting Mr. Merrill’s Resignation with Discipline Pending dated August 24, 2017, was received by the Presiding Disciplinary Judge (PDJ) of the Supreme Court of Arizona. Under Rule 57(b)(1),¹ upon being disciplined in another jurisdiction, a lawyer admitted to practice in Arizona, “whether active, inactive, retired, or suspended” shall inform the disciplinary clerk of such action within thirty days of service of that notice of imposition of sanctions from that other jurisdiction.

Under Rule 57(b)(3), *Discipline to Be Imposed*, the PDJ “shall impose the identical or substantially similar discipline” unless bar counsel or Respondent establishes by preponderance of the evidence a basis under that rule not to impose such discipline.

¹ Unless otherwise stated, all rule references are to the Ariz. R. Sup. Ct.

By Order dated August 6, 2018, the PDJ directed Mr. Merrill or Bar Counsel to inform the PDJ within thirty (30) days of service of that Order of any claim by Mr. Merrill or Bar Counsel predicated upon the grounds within Rule 57(b)(3), *Discipline to Be Imposed*, that imposing identical or substantially similar discipline would be unwarranted and the reasons therefore. The Order cautioned that absent Mr. Merrill or Bar Counsel timely establishing by a preponderance of the evidence a basis under Rule 57(b)(3) not to impose such discipline, identical or substantially similar discipline would be imposed by the PDJ.

On September 4, 2018, the State Bar filed a response stating Arizona does not recognize resignation with discipline pending and that disbarment is a substantially similar sanction with the same practical effect. Mr. Merrill filed no response and therefore, has failed to establish by a preponderance of the evidence through affidavits, or documentary evidence, or as a matter of law by reference to applicable legal authority, any of the grounds in Rule 57(b)(3).

Now Therefore,

IT IS ORDERED imposing substantially similar reciprocal discipline of disbarment upon Respondent, **Walter T. Merrill, Bar No. 011005**, and his name is stricken from the roll of lawyers, effective this date. Mr. Merrill is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the Court.

IT IS FURTHER ORDERED Mr. Merrill shall comply with the provisions of the Utah Supreme Court Order dated August 24, 2017, as a judgment of this court and as a condition of reinstatement.

IT IS FURTHER ORDERED Mr. Merrill shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

IT IS FURTHER ORDERED Mr. Merrill shall be subject to any additional terms imposed by the Supreme Court because of any reinstatement hearings held.

IT IS FURTHER ORDERED Mr. Merrill shall immediately comply with the requirements relating to notification of clients and others and file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

DATED this 11th day of September, 2018.

William J. O'Neil
William J. O'Neil, Presiding Disciplinary Judge

Copy of the foregoing mailed/e-mailed
September 11, 2018, to:

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Respondent

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