

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**HEATHER A. SAPP,**  
**Bar No. 023448**

Respondent.

**PDJ 2019-9066**

**FINAL JUDGMENT AND  
ORDER**

**FILED NOVEMBER 12, 2019**

On September 16, 2019, notice under Rules 54(h) and 57(b), *Reciprocal Discipline*, Ariz. R. Sup. Ct. was sent to Respondent and the State Bar. Each party had 30 days to file a claim on whether imposing identical or substantially similar discipline would be unwarranted and the reasons therefore. On October 16, 2019, timely responses were filed by Respondent and the State Bar.

Under Rule 57(b)(3), *Discipline to Be Imposed*, the Presiding Disciplinary Judge (“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.

The State Bar agrees that the identical discipline should be imposed a reprimand and one year of probation, to run concurrent and with terms as set forth in the United States Patent and Trademark Office (USPTO) Final Order dated May 15, 2019, be imposed by the PDJ.

Respondent does not reference a specific listed claim under Rule 57(b)(3). Such failure is fatal to the argument of Respondent. Instead there is an assertion that under different facts, and if it had been an Arizona civil law case and not a Patent case, that her conduct would not have violated Civil Rule 11(a)(3). Rule 57(b)(3) requires an argument “by reference to applicable legal authority” not law or rules that were not applicable. The argument is unavailing. Identical discipline is imposed.

Now Therefore,

**IT IS ORDERED** imposing the reciprocal discipline of reprimand and one (1) year of concurrent probation with those terms as set forth in the USPTO order dated May 15, 2019.

**IT IS FURTHER ORDERED** Respondent shall pay the State Bar’s costs and expenses of \$1,200.00.

**DATED** this 12<sup>th</sup> day of November 2019.

*William J. O’Neil*

**William J. O’Neil, Presiding Disciplinary Judge**

Copy of the foregoing e-mailed/mailed  
this 12<sup>th</sup> day of November 2019 to:

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