

In the Matter of Thomas J. Whelan, Bar No. 022754, PDJ 2011-9065. Attorney Suspended For One Year Effective June 1, 2012. Upon reinstatement, Two Years of Probation, Restitution, and the Payment of Costs imposed.

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct., the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended Thomas J. Whelan for one year. Upon reinstatement, Respondent shall be placed on two years of probation with terms and conditions to be determined at the time of reinstatement. As a condition of reinstatement, satisfy a sanctions judgment in the amount of \$47,500.00.

Respondent engaged in a conflict of interest; refused to dismiss a complaint after he had been informed it lacked a basis; made misrepresentations as to facts and law in his pleadings; caused the unnecessary use of court resources; sent unprofessional emails to opposing counsel; was personally sanctioned in a matter but failed to pay the judgment; committed trust account violations; and failed to notify the court of his interim suspension.

Aggravating factors: prior disciplinary offenses, multiple offenses, obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, and substantial experience in the practice of law.

Non-ABA mitigating factors: no clients have ever complained of misused, misappropriated, or stolen funds; approximately half of Respondent's caseload is pro bono work for clients in financial distress; and Respondent participated in regular volunteer work.

Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.7(a), 1.15(b), 3.1, 3.3(a), 4.1(a), 8.1(b), and 8.4(c) and (d), and Rule 41(g), Rules 43(b)(1)(A and C), (b)(2)(A-D), (d)(3), and 54(d), Ariz. R. Sup. Ct.

The agreement is accepted and costs awarded in the amount of \$2,873.01. The proposed final judgment and order is reviewed, approved and signed.