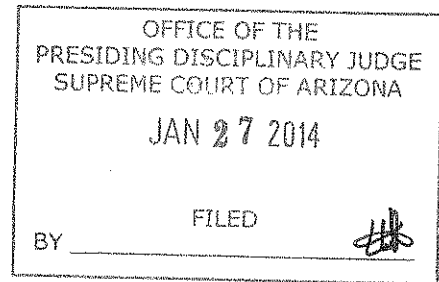


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Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

Scott A Blair,
Bar No. 010142,

Respondent.

PDJ-2013-9075

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

State Bar Nos. 10-1918, 12-3113

The State Bar of Arizona (SBA), through undersigned Bar Counsel, and Respondent Scott A. Blair, who is represented in this matter by counsel, Ralph W. Adams, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A Probable Cause Order was entered on April 17, 2013 in SBA Case No. 10-1918, and a formal complaint was filed August 30, 2013 under PDJ-2013-9075. A probable cause order has not yet issued in SBA Case No. 12-3113. Respondent voluntarily waives the right to an adjudicatory hearing on both files, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant(s) by telephone on December 16, 2013. Complainant(s) have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER(s) ER 1.7, ER 8.4(d), and Rule 41(g). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Six (6) month suspension and two (2) years\ probation upon reinstatement to include participation in MAP, the State Bar's Professionalism Course, and additional CLE. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on December 3, 1985.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

COUNT ONE (State Bar File No. 10-1918)

2. Complainant, Vicki Williams and her husband, Van Williams (collectively the Williamses), purchased a home located at 8125 Ferzon Trail in Scottsdale, Arizona (the Williams' Property).

3. At all relevant times, Client² was the owner of the home located at 8132 E. Naseem Trail, Scottsdale, Arizona 85252 (Client Property).

4. The Williams' Property and the Client Property share a common property line and are separated by a block privacy fence, which extends into portions of both properties.

5. Client retained Respondent to secure an abatement of an alleged nuisance after the Williamses removed certain landscaping and lowered the common block privacy fence. At the time of the representation, Respondent and Client were also social friends which included Respondent occasionally assisting Client with issues relating to her home while she was out-of-town.

6. On or about December 11, 2009, a criminal complaint was filed against Respondent with the Scottsdale City Court alleging that on October 31, 2009, Respondent had committed misdemeanor criminal trespass in violation of A.R.S. § 13-1502(A)(1), § 13-707 and § 13-802.

² As discussed below, parties to the underlying lawsuit reached settlement. The settlement agreement included a requirement that the parties not harass or speak ill of the opposing party. During the investigation of this matter, the State Bar sought to interview Respondent's client who was subject to that settlement agreement provision. The State Bar and the client agreed to a protective order regarding the interview. Consequently, the client will be referred to herein as "Client" rather than by name.

7. The criminal complaint alleged that Respondent entered the Williams Property and refused to vacate the property promptly when requested to do so. Respondent entered a plea of not guilty to the charge.

8. While the criminal case was pending, on March 11, 2010, Respondent filed suit on behalf of Client in the Maricopa County Superior Court, Case No. CV 2010-007309 and against Mrs. Williams and her husband. The complaint set forth allegations regarding ownership of the privacy wall, the creation of a private nuisance and a breach of the CC&Rs (the Client Litigation).

9. On June 23, 2010, Judge Heilman conducted a settlement conference at which Respondent appeared along with Client.

10. At the settlement conference, Client proposed a global settlement that included the execution of a "statutorily sanctioned misdemeanor compromise" that was intended to result in the dismissal of Respondent's criminal case. A.R.S. § 13-3981 provides that a trial court may order the prosecution of a misdemeanor offense be dismissed if the injured party appears before the court in which the action is pending, at any time before trial, and acknowledges that he has received satisfaction for the injury.

11. The parties reached a global settlement agreement that included the execution of the misdemeanor compromise.

12. The inclusion of the misdemeanor compromise in the global settlement resulted in a non-waivable conflict of interest between Respondent and Client. Client offered to pay Respondent's legal fees in connection with the criminal trespass matter, and he accepted the offer. However, as Client informed the State Bar during the interview, she ultimately never paid any of his attorney fees.

13. If this matter proceeded to hearing, Respondent would present evidence that he had a good faith belief that the conflict was waivable and did not impact his representation of Client. Respondent asserts that he prepared a conflict waiver that included a requirement that Client seek independent legal advice that was voluntarily and knowingly executed by Client. It is Respondent's understanding that Client in fact hired independent counsel.

14. Ultimately, the parties were unable to agree on a proposed order memorializing the settlement agreement that had been reached at the June 23, 2010 settlement conference. Thus, the misdemeanor compromise was never executed.

15. On August 20, 2010, the Scottsdale City Court conducted a bench trial and Respondent was found guilty of misdemeanor Criminal Trespass, Third Degree, in violation of A.R.S. § 13-1502(A)(1). Respondent defended against the charge and maintains his innocence, but accepts the fact of his conviction in that forum.

16. The parties to the civil action proceeded to litigate the enforceability of the global settlement agreement reached at the June 23rd hearing.

17. On October 20, 2010, Respondent filed a Notice of Appeal from his criminal conviction. The appeal was ultimately unsuccessful.

18. Thereafter, the parties settled the Client Litigation and a settlement agreement was executed by and between the parties, with an effective date of June 8, 2011, which included payment by Complainant to Client of \$30,000.00. There was no admission of liability of fault by any of the parties. The parties agreed to dismiss the Client Litigation with prejudice.

19. If this matter were to go to hearing, Mrs. Williams would testify that she and her husband agreed to settle the Client Litigation because, in part, the protracted

litigation and Respondent's unprofessional conduct were having a negative impact on her husband's health. Respondent would argue that there is no evidence of any health issues and no connection between any alleged health issues and the litigation.

20. On August 12, 2011, Judge Hegyi entered an order of dismissal with prejudice on Counts 2 and 3 of the Complaint and dismissed the remainder of litigation by minute entry dated August 30, 2011.

21. In the meantime, on August 9, 2011, Respondent filed a complaint, *as Plaintiff*, against many of the same defendants who had been named in the Client Litigation, including the Williamses, with the Maricopa County Superior Court, Case No. CV 2011-053481 (Respondent's Litigation).

22. On November 2, 2011, Respondent filed an Amended Complaint, which includes a Statement of Facts that is closely related to those asserted in the Client Litigation and includes a recitation of Respondent's version of the procedural history of the Client Litigation, as well as his own criminal conviction. If this matter were to proceed to hearing, Respondent would assert that the facts were alleged to provide the court with context behind the action and to avoid having certain claims dismissed.

23. Respondent set forth the following counts in the Amended Complaint:

- (1) breach of contract: specifically, that the defendants failed to execute documentation of the Rule 80(d) global settlement agreement and the misdemeanor compromise in the Client Litigation and that as a result, *Respondent* was damaged;
- (2) abuse of process: specifically, that the defendants wrongfully advanced and continued the criminal trespass action and refused to execute the misdemeanor compromise, all without any legitimate or reasonably justifiable purpose; and (3)

defamation: specifically, that the Williamses defamed Respondent by claiming that he is anti-Semitic to the Scottsdale city court and others.

24. In paragraph 40 of the Amended Complaint, Respondent acknowledges during the course of the Client Litigation, Judge Hegyi found that the 80(d) agreement was unenforceable because "conditions subsequent contained in the contract had not occurred."

25. Respondent's client, Client, did not appeal from Judge Hegyi's finding that the 80(d) agreement was unenforceable.

26. If this matter went to hearing, the Williams' attorney, Rich Murphy, would testify that at one time Respondent identified his damages as \$17,000 that he spent in attorney fees paid to attorney Chris Rupp to defend him from the trespass complaint and "a few" thousand dollars for the monies that he spent on ethics counsel to deal with the SBA investigation. During the Client Litigation, however, Respondent advised the trial court that Client, had agreed to pay those fees. If this matter were to proceed to hearing, Respondent would provide evidence that while Client offered to pay the fees, she never did so.

27. On September 12, 2011, the Scottsdale City Court ordered Respondent to appear for a Remand Sentencing Hearing on October 11, 2011, the Superior Court having affirmed the Respondent's trespass conviction.

28. The hearing was re-set and on November 8, 2011, Respondent was sentenced to eleven (11) months unsupervised probation and ordered to have no contact with the victim, Mr. Willard, or to come within three (3) houses of the victim's house.

29. On December 16, 2011, the defendants filed a motion to dismiss Respondent's Amended Complaint.

30. On February 8, 2012, the Scottsdale City Court denied Respondent's motion to terminate his probation. If this matter were to proceed to hearing, Respondent would provide evidence that, while the court denied the motion, because Respondent had already completed the terms imposed by the trial court, it also ordered the sentence to be self-terminating in 30 days from that hearing date.

31. On March 23, 2012, the trial court entertained oral argument on the pending motion to dismiss Respondent's Amended Complaint. At that time, the parties stipulated to the dismissal of Respondent's defamation claim against Mrs. Williams and the other defendants.

32. By order filed on May 14, 2012, the trial court granted the defendants' motion to dismiss the breach of contract claim in the Amended Complaint. The court granted Respondent leave to file an amended complaint alleging a breach of the covenant of good faith and fair dealing as a separate and independent claim. If this matter were to proceed to hearing, Respondent would assert that the court denied the defendant's motion to dismiss his abuse of process claim and that the court dismissed the breach of contract claim and allowed it to be restated as a claim for breach of the implied covenants of good faith and fair dealing.

33. On May 21, 2012, Respondent filed his Second Amended Complaint alleging breach of the implied covenant of good faith and fair dealing and abuse of process.

34. On June 11, 2012, the defendants filed an "Answer to Plaintiff's Second Amended Complaint & Counterclaim."

35. On July 2, 2013, Respondent filed a motion to dismiss the defendants' counterclaim.

36. By order filed July 16, 2012, the trial court ordered the parties to participate in a mandatory Settlement Conference.

37. On July 24, 2012, the defendants filed a response to the Respondent's motion to dismiss the counterclaim.

38. On August 6, 2012, Respondent filed a reply in support of the motion to dismiss the defendants' counterclaim.

39. On August 17, 2012, Respondent filed a motion to disqualify defendants' counsel on the grounds that 1) the attorneys were necessary witnesses at trial and 2) the attorneys intended to perpetrate a fraud on the court.

40. By order filed September 6, 2012, the trial court set a briefing schedule and oral argument on the pending motions.

41. By order filed September 28, 2012, the trial court denied Respondent's motion to dismiss the defendants' counterclaim.

42. Thereafter, the parties reached a settlement of Respondent's Litigation, which included, among other things, a cash payment by the Williamses to Respondent in the amount of \$34,500.00 and cross-injunctions against harassment.

43. If this matter were to go to hearing, Mrs. Williams would testify that she and her husband agreed to settle Respondent's Litigation because the protracted litigation and Respondent's unprofessional conduct were having a negative impact on her husband's health. Respondent would argue that there is no evidence of any health issues and no connection between any alleged health issues and the litigation.

44. By order filed October 5, 2012, the Superior Court granted the Stipulated Motion for Entry of Order for Permanent Cross Injunctions between Respondent, Mrs. Williams and her husband, and Mr. and Mrs. Willard (the Williamses daughter and son-in-law).

COUNT II (Coats) 12-3113

45. Respondent's Mother, Sally Ann Srebrenick (Mother) died on Wednesday, November 14, 2012. On November 19, 2012, Respondent filed with the probate division of the Maricopa County Superior Court, an original of Mother's Last Will, which named Respondent as a Co-Personal Representative, and, an original executed version of Mother's trust which named Respondent as a Co-Successor Trustee upon her death. These documents were never disputed in the probate proceedings.

46. Attorney Donald Coats (Coats), while employed with the Dana Law Firm, had met with Mother and Sister to amend Mother's estate documents to remove Respondent from having any administrative privileges.

47. On November 17, 2012, Respondent called Coats as directed by Sister to discuss Mother's estate documents. Coats began to explain the changes to Mother's estate documents. Respondent inquired whether Coats had had a sexual relationship with Sister.

48. Also on that date, Respondent advised Sister's attorneys at the Dana Law Firm that he would be contesting Mother's new will. See Petition for Determination of Terms of Trust, PB2012-051491 which was never contested by Sister.

49. On November 18, 2012, Respondent emailed Attorney Matt Dana, principal of the Dana Law Firm where Coats had worked. Respondent stated, among other things, that Coats "has a personal and sexual relationship" with Sister. He asked to meet the next day to resolve the issue of Mother's cremation, and stated that he was "prepared to enter into a global settlement regarding all claims and issues involving [Sister], the Dana Law Firm and [Coats] personally so that we can all move forward with as little conflict as possible."

50. Coats would testify that he continued to receive telephone calls from Respondent through November 19th. Coats answered some of the calls during which Respondent made the same allegations of a sexual relationship with Sister, threatened to ruin Coats' legal career and threatened to file complaints with the SBA. If this matter were to proceed to hearing, Respondent would provide evidence disputing Coats' version of the telephone conversations.

51. Coats became more concerned when Respondent called his wife on her personal cell phone. If this matter were to go to hearing, Mrs. Coats would testify that prior to his phone call, she did not know Respondent, did not know how he got her phone number, and was not employed at the Dana Law Firm. Mrs. Coats would further testify that Respondent identified himself as an attorney, began asking her questions about Coats, and that she thought that he was affiliated with her husband or the Dana Law Firm. Mrs. Coats would testify that at some point during the conversation, Respondent told her that her husband had had sex with Sister. Respondent would dispute this testimony at a hearing in this matter.

52. Coats and Sister deny any sexual or otherwise inappropriate relationship.

53. In addition to the three voicemail messages that Respondent left on Coats cell phone (not including the missed calls or the calls that he answered), a review of his wife's mobile phone bills reflect that there were three (3) calls from Respondent's cell phone to Mrs. Coats' cell phone: November 19th at 12:40 pm, November 20th at 2:01 pm, and November 30th at 9:26 am.

54. On November 19, 2012, at 9:36 am, Respondent filed a "Petition for Formal Probate of Will & Appointment of Personal Representative" with the Maricopa County Superior Court, case no. PD2012-051491. In the Petition, Respondent states that "[l]awyers for [Sister] have stated that a later dated will exists" than the will that she executed in 2002. If this matter were to proceed to hearing, Respondent would testify that the petition was never contested by Sister.

55. On November 19, 2012, Attorney Respondent showed up at the Dana Law Firm and demanded to see Mother's estate documents. If the matter were to proceed to hearing, Respondent would assert that he appeared following Mr. Coats' statement that he was with the Dana Law Firm and that he could pick up copies that morning.

56. When Respondent showed up at his offices, Attorney Dana was meeting with Sister, who was named the sole executor under Mother's most recent will. If this matter were to go to hearing, Attorney Dana would testify that he could hear yelling coming from the reception area and that the receptionist interrupted his meeting with Sister the meeting to advise that Respondent refused to leave unless he was given some documents. Attorney Dana would further testify that he went into the lobby to speak with Respondent, at which time Respondent demanded Mother's file. Attorney Dana told Respondent that he was not entitled to the file, but

Respondent continued to yell and yelled louder when his request was refused. Respondent threatened to contact the SBA and file a lawsuit and threatened that Attorney Dana was "going to be sorry" and that he "should be [Respondent's] friend." Respondent finally left the office after Attorney Dana said that he would call the police if he did not do so. If this matter were to proceed to hearing, Respondent would assert that he believed that he was legally entitled to the file.

57. Coats filed a police report on November 20, 2012, alleging "Harassment by Communication" by Respondent between November 17 and 19, 2012. To date, no action has been taken by the police with respect to this report.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and is submitted freely and voluntarily and not as a result of coercion or intimidation.

With respect to PDJ-2013-9075, Respondent conditionally admits that his conduct violated:

1. ER 1.7, which provides that a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if there is significant risk that representation of the client will be materially limited by a personal interest of the lawyer. Respondent advocated Client's position which predicated settlement of the Client Litigation on (1) the inclusion of the execution of a misdemeanor compromise to dismiss the trespass complaint filed against him; and (2) the payment by the Williamses of funds intended to reimburse Respondent for expenses incurred in defending himself against the trespassing charge and the SBA's investigation into the bar charge. Respondent asserts that he

attempted to comply with ER 1.7 by advising his client in writing of potential conflicts and advising her to seek independent legal counsel. Respondent acknowledges in hindsight that due to the facts set forth above, the conflict was non-waivable. During an interview with the State Bar Client stated that she did not paid his defense fees and that she was more than happy with Respondent's representation of her.

2. ER 8.4(d), which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. Respondent, as party to the 80(d) global settlement agreement, filed a complaint, as plaintiff, seeking damages that he claimed to have incurred as a result of the failure to effectuate the 80(d) global settlement agreement from the Client Litigation, which had already been found to be unenforceable; after the underlying litigation had been settled by the parties; and to which Respondent was not a named party.

3. Rule 41(g), which provides that the duties and obligations of the member shall be to avoid engaging in unprofessional conduct. Respondent was convicted of trespass, which occurred by his own admission as part of his representation of a client.

With respect to SBA File No. 12-3113, Respondent conditionally admits that his behavior violated:

1. ER 8.4(d), which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. As a result of Respondent's behavior, Coats felt that he had to call the police and make a police report alleging that Respondent had harassed both Coats and his wife by telephone.

2. Rule 41(g), which provides that the duties and obligations of the members shall be to avoid engaging in unprofessional conduct. Respondent, relying

on statements that Respondent asserts were made to him by his mother prior to her passing, accused Coats of having a sexual relationship with Sister when he had no other substantiated basis for making such a statement. He also contacted opposing counsel's wife on a personal cell phone number and mislead her into believing that he knew Coats, or was a friend of his, in order to get information regarding Coat's employment and the state of their marriage—information that she would not otherwise have shared with Respondent. Respondent also behaved in such a way at the Dana Law Firm, that Attorney Dana felt it necessary to threaten to call the police to get Respondent to leave the premises when Respondent demanded Mother's file.

CONDITIONAL DISMISSALS

With respect to PDJ 2013-9075, the State Bar has conditionally agreed to dismiss ERs 3.1, 3.4(c), 4.4(a), and 8.4(b) because of either evidentiary concerns or in exchange for this agreement.

With respect to SBA Case No. 12-3113, the State Bar has agreed to conditionally dismiss ERs 4.1, 4.4, and 8.4(c) because of either evidentiary concerns or in exchange for this agreement

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of these matters, as set forth above, the following sanction is appropriate: Six (6) month suspension with two (2) years' probation upon his reinstatement to the practice of law in Arizona. The terms of probation shall include

a MAP assessment by a mental-health professional to be designated by the State Bar. Respondent shall contact the director of the State Bar's Member Assistance Program (MAP), at 602-340-7334 or 800-681-3057, at least thirty (30) days prior to his application for reinstatement. Respondent shall submit to a MAP assessment. The director of MAP shall develop "Terms and Conditions of Probation" if he determines that the results of the assessment so indicate, and the terms shall be incorporated herein by reference. The probation period will begin to run at the time of the entry of the final judgment and order of reinstatement and will conclude two (2) years from that date. Respondent shall be responsible for any costs associated with MAP.

Upon reinstatement, Respondent shall contact State Bar of Arizona publications at 602-340-7318 to either obtain and listen to the CD or obtain and view the DVD entitled "The Ten Deadly Sins of Conflict" within ninety (90) days of the judgment and order. Respondent may alternatively go to the State Bar website (www.myazbar.org) and complete the self-study online version. Respondent shall provide Bar Counsel with evidence of completion by providing copies of handwritten notes. Respondent shall be responsible for the cost of the CD, DVD or online self-study. Respondent shall also successfully complete the State Bar's Course in Professionalism.

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so,

to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that *Standard* 7.2 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 7.2 provides that suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system. Respondent's repeated violations of ER 8.4(d) and Rule 41(g) were knowing violations of his duties as a professional and caused actual injury or potential injury to the Complainants in both cases, the public and the legal system.

The duty violated

As described above, Respondent's conduct violated his duty to his client, the profession, the legal system, and the public.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly violated ERs 1.7, 8.4(d) and Rule 41(g) as set out with specificity above and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm to his Client and actual harm to the Complainants, the profession, and the legal system in PDJ 2013-9075. With respect to SBA Case No. 12-3113, the parties agree that there was actual harm to the profession, the legal system and the public.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(a) prior disciplinary offenses. Specifically, SBA Case No. 08-0675 (Informal Reprimand for violation of ER 8.4(b)); 06-1317 (Censure for violations of ERs 4.1 and 8.4(c)); and 99-1018 (Suspension for violation of ER 1.8).

Standard 9.22(c) a pattern of misconduct;

Standard 9.22(d) multiple offenses;

Standard 9.22 (i) substantial experience in the practice of law. Respondent was admitted to practice law in Arizona on December 3, 1985.

Standard 9.22(k) illegal conduct (i.e., the misdemeanor trespass conviction)

In mitigation:

Standard 9.32 (c): Personal or emotional problems. With respect to SBA Case No. 12-3113, regarding the events following his Mother's sudden and tragic death, Respondent's emotional state was exacerbated by the confusing and adverse environment that included intra- family disputes regarding the estate and a caustic relationship with Sister.

Standard 9.32 (e): Full and free disclosure to the discipline authorities. Respondent has fully cooperated with the State Bar in its investigations.

Discussion

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: Based on the *Standards* and in light of the facts and circumstances of this matter, which are set forth above with specificity, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of a six (6) month suspension; two (2) years' probation shall begin on the date of entry of the Final Judgment and Order of Reinstatement, which shall include a MAP

assessment, compliance with the assessment recommendations, and participation in the SBA's Professionalism course and "the 10 Deadly Sins of Conflict," and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "B."

DATED this 27th day of January, 2014.

STATE BAR OF ARIZONA



Stacy L Shuman
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 27th day of January, 2014.



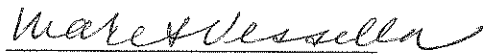
Scott A. Blair
Respondent

DATED this 27th day of January, 2014.



Ralph W. Adams
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
this 27th day of January, 2014.

Copies of the foregoing mailed/emailed
this 27th day of January, 2014, to:

Ralph W Adams
Adams & Clark PC
520 E Portland St
Phoenix, AZ 85004-1843
Email: ralph@adamsclark.com
Respondent's Counsel

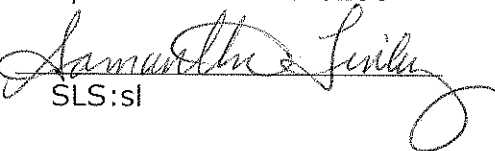
Copy of the foregoing emailed
this 27th day of January, 2014, to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov
lhopkins@courts.az.gov

Copy of the foregoing hand-delivered
this 27th day of January, 2014, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

By:


SLS:sl

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

SCOTT A. BLAIR,
Bar No. 010142

Respondent.

PDJ-2013-9075

FINAL JUDGMENT AND ORDER

[State Bar No. 10-1918, 12-3113]

FILED FEBRUARY 4, 2014

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on January 27, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Scott A Blair**, is hereby suspended for six (6) months for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from this Order.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years.

IT IS FURTHER ORDERED that, Respondent shall contact the director of the State Bar's Member Assistance Program (MAP), at 602-340-7334 or 800-681-3057, within thirty (30) days of the date of this final judgment and order. Respondent shall submit to a MAP assessment with a mental-health professional

designated by the State Bar. The director of MAP shall develop "Terms and Conditions of Probation" if he determines that the results of the assessment so indicate, and the terms shall be incorporated herein by reference. The probation period will begin to run at the time of the entry of the final judgment and order or reinstatement and will conclude two (2) years from that date. Respondent shall be responsible for any costs associated with MAP.

Respondent shall contact State Bar of Arizona publications at 602-340-7318 to either obtain and listen to the CD or obtain and view the DVD entitled "The Ten Deadly Sins of Conflict" within ninety (90) days of the judgment and order. Respondent may alternatively go to the State Bar website (www.myazbar.org) and complete the self-study online version. Respondent shall provide Bar Counsel with evidence of completion by providing copies of handwritten notes. Respondent shall be responsible for the cost of the CD, DVD, or online self-study. Respondent shall also successfully complete the State Bar's Course on Professionalism.

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,258.03. There are no costs or expenses incurred by the disciplinary clerk and/or the Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 4th day of February, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 4th day of February, 2014.

Copies of the foregoing mailed/emailed
this 4th day of February, 2014, to:

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Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing hand-delivered/emailed
this 4th day of February, 2014, to:

Stacy L Shuman
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By: MSmith