

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

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

**ZUBAIR ASLAMY,
Bar No. 019659**

Respondent.

No. PDJ-2014-9081

FINAL JUDGMENT AND ORDER

[State Bar No. 12-1047]

FILED SEPTEMBER 29, 2014

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on September 5, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Mr. Zubair Aslamy**, is hereby reprimanded effective the date of this Order for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

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

DATED this 29th day of September, 2014.

William J. O'Neil

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

Copies of the foregoing mailed/emailed
this 29th day of September, 2014.

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by: JAlbright

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OF THE SUPREME COURT OF ARIZONA**

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BAR OF ARIZONA,

**ZUBAIR ASLAMY,
Bar No. 019659**

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No. PDJ-2014-9081

**ORDER ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar No. 12-1047]

FILED SEPTEMBER 29, 2014

An Agreement for Discipline by Consent ("Agreement") filed on September 5, 2014, was submitted pursuant to Rule 57 of the Rules of the Arizona Supreme Court. Time for response to the motion has now passed and no objection was filed.

Pursuant to Rule 57 the parties may tender an agreement regarding a respondent against whom a charge has been made but before the authorization of the probable cause committee to file a formal complaint. No formal complaint has been filed in this matter. Such tender is a conditional admission of unethical conduct in exchange for a stated form of discipline, other than disbarment. Upon filing such agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

The Agreement details the circumstances that lead to this disciplinary action. Mr. Aslamy emailed a television reporter two grand jury transcripts. He claims to have been unaware such transcripts were protected by A.R.S. § 13-2812 and Criminal Rule 12.8. Mr. Aslamy was never prosecuted or convicted for these violations.

The PDJ is concerned that the language finding that A.R.S. § 13-2812 was negligently not complied with might lead one to misapprehend the scope of the statute and of this proceeding. It is clear from the plain language of the statute that it cannot be violated by negligent acts at all. It states: "A person commits unlawful grand jury disclosure if the person *knowingly* discloses...". A.R.S. § 13-2812(a)(emphasis added). The agreement does not assert Mr. Aslamy negligently violated § 13-2812. The focus, when discussing the mental state requirement, is on the violation of the ethical rule, which in this case would be conduct that is prejudicial to the administration of justice. The parties' findings about Mr. Aslamy's mental state, therefore, is entirely relevant to attorney discipline. Though discussion of § 13-2812 may be a part of such showing, the focus remains on the ethical violations. Mr. Aslamy negligently violated his ethical obligation.

The parties stipulate Mr. Aslamy's actions were negligent rather than knowingly. Under the circumstances this seems unlikely. Mr. Aslamy sent out confidential transcripts of grand jury proceedings to a member of the press. With Mr. Aslamy's prior fifteen years of experience in the legal profession one would assume he was aware of what effect the release of those transcripts might have on the legal process, whether or not he knew it was forbidden by statute. His conscious decision to release the transcripts in spite of his legal experience, and experience with attorney discipline, may well bespeak a knowing disregard of the ethical rules.

No evidence is available to substantiate mitigating circumstances besides the delay in the disciplinary proceedings. No affidavit has been submitted by Mr. Aslamy stating his remorse and all other evidence provided to the PDJ holds the potential of

a dishonest or selfish motive. Given the history of Mr. Aslamy's discipline issues and other aggravating factors, an admonition would be inappropriate.

It is clear release of such sensitive documents to the press when it is forbidden by court rule and statute is a direct interference with the legal process. It can cause significant harm to the opposing party, which is not in the interest of the public, harm the interest of the client, or disrupt the integrity of the legal system. Whether this harm happened, has yet to happen, or did not happen, the potential for significant harm undoubtedly existed. As with all matters, this case has been carefully considered. A request for modification was cautiously considered.

This is not to say a reprimand is not the appropriate action to be taken. As with plea bargaining in criminal proceedings, consent agreements typically involve one pleading to a lesser charge and often includes a request for leniency. Through the process of consent agreements, the parties are able to establish a mutual acknowledgement of the weaknesses and strengths of a case. Both parties are represented by counsel and the terms of the agreement support a negligent state of mind. The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. That purpose is met by the agreement.

Accordingly,

IT IS ORDERED incorporating by this reference the Agreement for Discipline by Consent and any supporting documents by this reference. The agreed upon sanctions include the imposition of a reprimand and the payment of costs of \$1,200.

IT IS ORDERED the Agreement for Discipline by Consent is accepted. A proposed final judgment and order was submitted simultaneously with the

Agreement. Costs as submitted are approved in the amount of \$1,200.00. The proposed final judgment and order having been reviewed are approved as to form. Now therefore, the final judgment and order is signed this date.

DATED this 29th day of September, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing mailed/emailed this 29th day of September, 2014, to:

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