BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

WILLIAM JAMES FISHER, JR., Bar No. 005832

Respondent.

PDJ 2017-9132

FINAL JUDGMENT AND ORDER

[State Bar No. 15-2704]

FILED JANUARY 18, 2018

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on December 29, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement. Accordingly:

IT IS ORDERED Respondent, William James Fisher, Jr., Bar No. 005832 is suspended from the practice of law for two (2) years for his conduct in violation of the Rules of the Supreme Court, including Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this order.

IT IS FURTHER ORDERED upon reinstatement, Mr. Fisher shall be placed on probation for two (2) years (with the terms and conditions to be determined at the time of reinstatement) and subject to any additional terms imposed by a Hearing Panel as a result of reinstatement hearings held.

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

IT IS FURTHER ORDERED Mr. Fisher shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in these disciplinary proceedings.

DATED this 18th day of January, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed this 18th day of January, 2018, to:

James D. Lee Senior Bar Counsel State Bar of Arizona 4201 N 24th Street, Suite 100 Phoenix, Arizona 85016-6266 Email: LRO@staff.azbar.org

Mark I. Harrison Osborn Maledon, PA 2929 N Central Ave, Ste 2100 Phoenix, AZ 85012-2765 Email: mharrison@omlaw.com Respondent's Counsel

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

WILLIAM JAMES FISHER, JR., Bar No. 005832

Respondent.

PDJ-2017-9132

DECISION AND ORDER ACCEPTING DISCIPLINE BY CONSENT

[State Bar No. 15-2704]

FILED JANUARY 18, 2018

A Probable Cause Order issued on August 28, 2017 and filed on August 30, 2017. No formal complaint has been filed. Under Rule 57(a), Ariz. R. Sup. Ct., an agreement for discipline by consent was filed on December 29, 2017 by William James Fisher, Jr., ("Fisher") who is represented by counsel, Mark I. Harrison, *Osborn Maledon, PA*, and the State Bar of Arizona by Senior Bar Counsel James D. Lee.

Rule 57 requires admissions be tendered solely "...in exchange for the stated form of discipline...." Under that rule, the right to an adjudicatory hearing is waived only if the "...conditional admission and proposed form of discipline is approved...." If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent

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

proceeding. Mr. Fisher has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. The State Bar is the complainant in this proceeding therefore no notice of this agreement is required under Rule 53(b)(3).

The Agreement details a factual basis to support the conditional admissions. Mr. Fisher conditionally admits he violated Rule 42, ERs 1.15(a), (b)(1), and (e), (safekeeping property) and Rules 43(a), 43(a)(4), 43(b)(1)(A), 43(b)(1)(C), 43(b)(2)(A), 43(b)(2)(B), 43(b)(2)(C), and 43(b)(2)(D) (trust account requirements). The agreed upon sanctions include a two (2) year suspension and upon reinstatement, two (2) years of probation with the terms to be determined at the time of reinstatement. Mr. Fisher agrees to pay the costs and expenses of this disciplinary proceeding of \$1,200.00 within thirty (30) days from this date. If costs are not paid within that time, interest will accrue at the legal rate. There are no costs incurred by the Office of the Presiding Disciplinary Judge. The conditional admissions are briefly summarized.

Mr. Fisher has been licensed to practice law in Arizona since July 3, 1979. He has never previously been the subject of formal discipline. In early September 2015, he lost the general ledger for his trust account. He made frequent inquiries with his bank about his balance. He had written a check for \$15,000 on August 24, 2015, to a Tucson law firm he had associated with regarding a client. On October 13, 2015,

that check was finally submitted to the bank for payment. The balance in his account was \$8,588.57. The check was returned for insufficient funds. The overdraft resulted from recordkeeping errors and losing his ledger.

Mr. Fisher admits he failed to comply with the trust account Rule requirements. He failed to maintain: duplicate deposit slips; adequate individual client ledgers; and an administrative funds ledger, as required. He failed to reconcile his client trust accounts as required and maintained an inappropriately large sum of funds in his trust account for administrative purposes. He comingled his personal funds with client and third-party funds.

He has since taken steps to correct his practices, including hiring an accountant to ensure compliance with the Rules. To reconcile his trust account and implement proper procedures he hired a well-respect Certified Public Accountant.

Despite this, he could not reconstruct and recreate his trust account records.

The Agreement discusses multiple other issues, such as client funds of \$2,800 that should have been in his trust account, but were not. In another example, his records reflected that \$6,886 was being held to satisfy liens of a client, when there was only \$4,547.43. That does not take into account other funds that should have been held for other clients and third-parties. On August 1, 2015, his trust account had a deficit of no less than \$37,297.43. Mr. Fisher admits negligently and knowingly misappropriating client funds. He has cooperated with the State Bar

throughout. Mr. Fisher admits that on some occasions he negligently converted client funds, and on some occasions knowingly did so. Restitution is not an issue.

Rule 58(k) provides sanctions shall be determined under the *American Bar Association Standards for Imposing Lawyer Sanctions*, ("*Standards*"). The parties agree the presumptive sanction is disbarment. *Standards* 4.11 and 4.12. Upon application of the aggravating and mitigating factors, the parties stipulate that a two-year suspension is appropriate. *Standards* 9.22 and 9.33. It is helpful that counsel for Mr. Fisher supplemented the record with extensive documentation to support some of the mitigation.

The parties further agree that given the mitigation present, a reduction in the presumptive sanction is appropriate. The agreed upon sanction is a two (2) year suspension and upon reinstatement, two (2) years of probation (with the terms and conditions to be determined at the time of reinstatement), and the payment of the State Bar's costs and expense totaling 1,2000.00 within thirty (30) days.

Now therefore,

IT IS ORDERED accepting and incorporating the Agreement and any supporting documents by this reference. William James Fisher is suspended from the practice of law for two years effective thirty (30) days from this date. He shall pay costs of \$1,200.00 within thirty (30) days of the date of this order. There are no

costs incurred by the Office of the Presiding Disciplinary Judge. A final judgment and order is signed this date.

DATED this 18th January, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed On this 18th day of January 2018, to:

James D. Lee Senior Bar Counsel State Bar of Arizona 4201 N 24th Street, Suite 100 Phoenix, Arizona 85016-6266 Email: LRO@staff.azbar.org

Mark I. Harrison Osborn Maledon, PA 2929 N Central Ave, Ste 2100 Phoenix, AZ 85012-2765 Email: mharrison@omlaw.com Respondent's Counsel

by: AMcQueen

James D. Lee, Bar No. 011586 Senior Bar Counsel State Bar of Arizona 4201 North 24th Street, Suite 100 Phoenix, Arizona 85016-6266 Telephone: (602) 340-7272 Email: LRO@staff.azbar.org

Mark I. Harrison, Bar No. 001226 Osborn Maledon, PA 2929 N Central Ave, Ste 2100 Phoenix, AZ 85012-2765 Telephone 602-640-9324 Email: mharrison@omlaw.com Respondent's Counsel OFFICE OF THE PRESIDING DISCIPLINARY JUDGE SUPREME COURT OF ARIZONA

DEC 29 2017

BY____

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

WILLIAM JAMES FISHER, JR., Bar No. 005832,

Respondent.

PDJ-2017-9132

AGREEMENT FOR DISCIPLINE BY CONSENT

[State Bar No. 15-2704]

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, William James Fisher, Jr., who is represented in this matter by counsel, Mark I. Harrison, hereby submit their Agreement for Discipline by

Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on August 28, 2017, and filed on August 30, 2017. No formal complaint has been filed in this matter. Respondent voluntarily waives the right to an adjudicatory hearing, 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.

The State Bar is the complainant in this matter, therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER 1.15(a), (b)(1) and (e), and Rules 43(a), 43(a)(4), 43(b)(1)(A), 43(b)(1)(C), 43(b)(2)(A), 43(b)(2)(B), 43(b)(2)(C) and 43(b)(2)(D), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: two-year suspension and two years of probation upon reinstatement, with the terms and conditions to be determined upon reinstatement. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are

not paid within the 30 days, interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on July 3, 1979, and has never before been the subject of formal discipline.

COUNT ONE (File No. 15-2704/Trust Account)

- 2. On October 13, 2015, Respondent's client trust account check number 2593 in the amount of \$15,000 was submitted for payment when the account when the balance was \$8,588.57. The bank returned the check, and did not charge an overdraft fee, leaving the account with a balance of \$8,588.57.
- 3. Respondent lost the general ledger for his trust account on or about September 1, 2015. At that time, in an attempt to ensure that no trust account checks were dishonored, he began making frequent inquiries with his bank about the balance in his client trust account and about checks that had been issued and paid. Although a teller informed Respondent at the beginning of October 2015

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.

- that all of his trust account checks had been honored, he subsequently determined that was not the case.
- 4. The \$15,000 check that resulted in the overdraft notice was written to a Tucson law firm that Respondent associated with regarding a matter for client D.W. The check was written on August 24, 2015, but the Tucson law firm held on to it for almost two months before presenting it for payment. When Respondent learned that the check had been presented for payment, he immediately took steps to ensure the check was honored.
- 5. Respondent's accounting practices failed to comply with the trust account requirements set forth in the Rules of the Supreme Court. He has since, however, taken steps to correct his practices. Among other things, Respondent hired an accountant to review his trust account every month to ensure compliance with the rules.
- 6. The overdraft notice resulted from recordkeeping errors and Respondent's loss of his trust account general ledger. When Respondent became aware that he had lost his general ledger, he immediately took steps to recreate the ledger as best he could.
- 7. Respondent failed to maintain duplicate deposit slips, as required by the rules, so he relied on the trust account bank statements.

- 8. Respondent failed to maintain adequate individual client ledgers, so he made notations of each client's transactions, by hand, on the trust account bank statements or his trust account general ledger.
- 9. Respondent failed to maintain an administrative funds ledger, but instead relied on the trust account bank statements.
- 10. Respondent failed to reconcile his client trust account on a monthly basis during mid-2015.
- 11. Respondent maintained an inappropriately large sum of funds in his trust account for administrative purposes (between \$3,000 and \$4,000). The result is that Respondent commingled his personal funds with client and third-party funds.
- 12. After receiving the overdraft notice, Respondent instructed his accountant to research and confirm for Respondent the trust account documents he is required to maintain.
- 13. In an attempt to reconcile his trust account and implement procedures to ensure compliance with the trust account rules, Respondent hired Sandy Abalos, a well-respected local Certified Public Accountant who is the Principal-in-Charge of the Phoenix office of the nationally-recognized accounting firm REDW.

- 14. Ms. Abalos and her staff spent more than 52 hours assisting Respondent in an attempt to reconstruct and recreate his trust account records. Unfortunately, Respondent was unable to provide sufficient records to enable Ms. Abalos to complete a reconstruction of his trust account records for the period of time reviewed by the State Bar.
- 15. In addition to Respondent's failure to maintain adequate trust account records, there were other problems with the manner in which Respondent operated his trust account. For example, Respondent's trust account had a balance of \$93,138.57 on August 1, 2015. Although Respondent believed all of those funds belonged to client D.W., Respondent's ledger reflected that only \$90,000.00 of that balance was held on client D.W.'s behalf. That left an unaccounted difference of \$3,138.57.
- 16. Respondent settled a medical malpractice case on behalf of client C.H. Respondent should have held at least \$2,800 on C.H.'s behalf on August 1, 2015, but those funds were not in Respondent's trust account at that time.
- 17. Respondent's settlement statement for client M.A. is dated October 12, 2015.

 It reflects a breakdown for two settlement recoveries totaling \$13,000.

 Although the settlement breakdown is dated October 12, 2015, no corresponding deposit was made into Respondent's client trust account prior

to the end of October 2015. Respondent's records reflect that \$6,886 was being held to satisfy liens. The balance in the trust account on October 31, 2015, however, was \$2,338.57, a deficit in the account of \$4,547.43, which does not take into account other funds that should have been held in the account on behalf of other clients and third-parties.

18. Respondent failed to maintain sufficient records, required by the Rules of the Supreme Court, to reconcile the activity in his trust account. However, Respondent's trust account had a deficit of no less than \$37,297.43 on August 1, 2015. Between August 1 and October 31, 2015, Respondent transferred a total of \$42,200 (through eight transactions) to his operating account. That increased the deficit (in the amount that should have been held in the trust account) to no less than \$79,497.43. Respondent admits negligently and knowingly misappropriating client funds. He knowingly used client funds from his trust account to finance time spent with his college-aged son in California, who was experiencing serious emotional problems at that time.

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically Rule 42, ER 1.15(a), (b)(1) and (e), and Rules 43(a), 43(a)(4), 43(b)(1)(A), 43(b)(1)(C), 43(b)(2)(A), 43(b)(2)(B), 43(b)(2)(C) and 43(b)(2)(D), Ariz. R. Sup. Ct.

RESTITUTION

Restitution is not an issue in this matter because the State Bar cannot prove that any client's or third-party's funds are still missing from Respondent's client trust account.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: two-year suspension, two years of probation upon reinstatement (with the terms and conditions to be determined upon reinstatement), and payment of the costs and expenses of the disciplinary proceeding.²

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

² 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.

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 *Standards* 4.11 and 4.12 are the appropriate *Standards* given the facts and circumstances of this matter. *Standard* 4.11 states, "Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client," while *Standard* 4.12 states, "Suspension is generally appropriate when a lawyer knows or should know that he

is dealing improperly with client property and causes injury or potential injury to a client." Respondent dealt improperly with and converted client or third-party funds for a period of time and subjected his clients to the potential loss of their funds. Respondent, however, claims he has returned all client funds to his trust account without causing any client harm and the State Bar was unable to find evidence of any actual harm as a result of Respondent's violations.

The duty violated

As described above, Respondent's conduct violated his duty to his clients.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent, on some occasions, negligently converted client funds, and at other times knowingly converted client funds for limited periods of time. Respondent knew at the time of his conduct that the misappropriation of client or third-party funds violated the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree there is no provable harm to Respondent's clients.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22(b) — dishonest or selfish motive (Respondent's conduct was selfish insofar as Respondent knowingly took client funds from his trust account to finance an approximate one-month stay with his son in California);

Standard 9.22(c) - a pattern of misconduct (there are multiple occasions during which misappropriation occurred);

Standard 9.22(h) - vulnerability of the victims (when Respondent used client or third-party funds for personal reasons, his clients and third-parties were at

risk of losing their funds if he failed to redeposit those funds into his trust account); and

Standard 9.22(i) – substantial experience in the practice of law (Respondent was admitted to practice law in Arizona on July 3, 1979).

In mitigation:

Standard 9.32(a) - absence of a prior disciplinary record;

Standard 9.32(c) - personal or emotional problems

Standard 9.32(d) – timely good faith effort to make restitution or to rectify the consequences of his misconduct (Respondent assures the State Bar that he refunded the converted funds to his trust account within a few months, without any harm to his clients or third-parties);

Standard 9.32(g) - character or reputation (see character reference letters attached hereto as Exhibit C);

Standard 9.32(j) - delay in the disciplinary proceedings (the State Bar received the charge of misconduct on October 20, 2015); and

Standard 9.32(1) - remorse (see Exhibit D).

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, that the proposed two-year suspension is appropriate.

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: Although Respondent temporarily converted client funds and failed to maintain the required trust account records, he used some of the funds during a period of time when his emotional and mental state were compromised due to legitimate concerns about his son's mental health and well-being. Furthermore, from all accounts, Respondent replaced the funds to his trust account within a few months, so there was no client or third-party harm.

Based on the *Standards* and in light of the facts and circumstances of this matter, 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 the objectives of discipline will be met by the imposition of the proposed sanction of a two-year suspension, two years of probation upon reinstatement (with the terms and conditions to be determined upon reinstatement), and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit E.

DATED this <u>28+6</u> day of December, 2017.

STATE BAR OF ARIZONA

James D. Lee

Senior 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 27 day of December, 2017.

William James Fisher J Respondent

DATED this 29 day of December, 2017.

Mark I. Harrison
Osborn Maledon, PA
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 of the Supreme Court of Arizona this day of December, 2017.

Copy of the foregoing emailed this _____ day of December, 2017, to:

The Honorable William J. O'Neil Presiding Disciplinary Judge Supreme Court of Arizona 1501 West Washington Street, Suite 102 Phoenix, Arizona 85007 E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed this 28 day of December, 2017, to:

Mark I. Harrison Osborn Maledon, PA 2929 N Central Ave Ste 2100 Phoenix, AZ 85012-2765 Email: mharrison@omlaw.com Respondent's Counsel

Copy of the foregoing hand-delivered this _29 day of December, 2017, to:

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

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona, William James Fisher, Bar No. 005832, Respondent

File No. 15-2704

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges

\$ 0.00

TOTAL COSTS AND EXPENSES INCURRED

\$1,200.00

SEALED

EXHIBIT B

SEALED PER COURT ORDER NOVEMBER 9, 2018

EXHIBIT C

MILLER, PITT, FELDMAN & MCANALLY, P.C.

GERALD MALTZ
T. PATRICK GRIFFIN
THOMAS G. COTTER
LINDSAY BREW
JOSÉ DE JESÚS
RIVERA
PETER TIMOLEON
LIMPERIS
JEFFREY A. IMIG
NATHAN J. FIDEL
NATHAN B. WEBB
AARON M. HALL
TIMOTHY P.
STACKHOUSE

HEATHER L.H. GOODWIN

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October 23, 2017

OF COUNSEL

STANLEY FELDMAN,
P.L.C.
JANICE A. WEZELMAN
PHILIP J. HALL
NINA J. RIVERA

State Bar of Arizona 4201 N. 24th Street, Suite 100 Phoenix, AZ 85016-6266

RE: William James Fisher

Dear State Bar of Arizona:

I have known William James Fisher, for almost fifty years. He and I shared a house together in Washington D.C. when I worked at the Department of Justice in 1977 and he was going to law school. I consider him an excellent lawyer and a good friend.

When I moved from DC back to Arizona, I remained in contact and saw his development as a lawyer. I do not want to review his entire career but do want to bring up two matters. I have tried many cases with and against Mr. Fisher over the last 40 or so years.

- He represented three Mexican citizens that were kidnapped and tortured by United States ranchers. He ensured that the Mexican victims testified and made all arrangements for the production of Mexican witnesses who were beyond our jurisdiction. Thanks to his efforts I was able to get a criminal conviction against the ranchers.
- I also know that because of his efforts the Mexican consulate uses him as their attorney. It is not that great of an honor since it is mostly pro bono work.

Page 2

October 23, 2017

James Fisher has confided in me with regard the serious charges the Bar is contemplating filing against him. He has expressed the deep sense of remorse he feels and how ashamed he is for this terrible ordeal. It is and has been a shadow hovering over his life for the past two years. It has affected everything he does both professional and personnel. Added to his woes is that the relationship with his two children is suffering. He is estranged from his son which causes even more of a burden on him.

He has taken steps to ensure it never happens again. The charges against him are very serious; I am conforted in knowing that since he realized his error he has taken every step necessary to remedy the situation. I do understand that he must pay for this but taking his license would not be the best remedy. Let him continue to practice allowing him to continue his probona work.

Sincerely,

José de Jesús Rivera

LAW OFFICES OF ROCKY ANDERSON

October 11, 2017

Arizona State Bar Attn: Mr. James Lee Senior Bar Counsel 4201 North 24th Street Suite 100 Phoenix, Arizona 85016-6266

Re: William James Fisher

To Whom It May Concern:

I have known William James Fisher ("James") since 1975, when we were both first-year law students at George Washington University Law School. Although we graduated in 1978 and he moved to Arizona to practice law and I moved to Utah (where I have worked both as a lawyer and a two-term Mayor of Salt Lake City), we have kept in touch often and see each other frequently.

From our many discussions, I know that James has a deep sense of obligation as a lawyer to help people, oftentimes those who may not obtain help otherwise, and to achieve justice. He works extremely hard, is loyal to his clients, and cares deeply about doing highly competent work.

James has enormous integrity. I know James as a person who is consistently honest and generous. I am aware that when he felt his son might be experiencing severe problems with depression and possibly suicide, James made the quick, but unconsidered, decision to withdraw some funds from his client trust fund. That, of course, was an unwise decision, as James now readily concedes. But I am confident that in James's mind, he was just doing something that would be taken care of quickly, with no loss, or threat of loss, to anyone. This sort of decision can seem innocuous at the time, particularly when the person making it sees it primarily as a bookkeeping entry that will be remedied soon and without any problems, but James well knows now that there can never be any withdrawal of a client's trust funds for use by the lawyer, regardless of the lawyer's good intentions and regardless of the circumstances. James has learned a very painful lesson that I am positive would never occur again.

I would trust James with anything I have, unqualifiedly. He is not only entirely honest, but he is as generous and trustworthy as anyone I know.

Understanding that any state bar association must take action whenever client trust funds are improperly withdrawn by a lawyer, I respectfully urge that James be asked to do something constructive, such as providing pro bono representation or legal training of new lawyers, but with no interruption in his law practice and the ability of his clients to benefit from his excellent, devoted, and honest representation. James always has been, and always will be, a credit to the legal profession.

I hope my insights about James as expressed here are helpful in arriving at a just—and constructive—resolution.

Sincerely,

Ross C. Anderson



The State Bar of Arizona 4201 N. 24th Street #100 Phoenix, Arizona 85016

Re: William James Fisher

To whom it may concern:

I write you today in support William James Fisher who I have been honored to have represented me for the past 20 years. I run a business owning gift shops in hotels and also The Celebrity Theater, a concert venue in Phoenix.

I met James quite by accident when I was left without partners to play a round of golf. James and his other two golf partners asked me if I would be their fourth to play a round. I gleefully accepted. I was paired with James and I was amazed to learn so much about him within 18 holes. I was impressed by his easygoingness and his ability to communicate well with others. He also impressed me with his intellect yet he was down to earth. Over the years we have become great friends.

I have dealt with many lawyers over the course of my career as a businessman but James stands out as the most honest and trust worthy. There have been many times that James has had to honestly and with great forthrightness contradict me in my intended course of action. He did so in a manner that showed me that he genuinely cares about me and his own integrity. I know that he always has my best interests at heart. He is, what I believe a lawyer should be.

He has had an illustrative career, marked with a number of successes but he would tell you that his greatest success has been the raising of his daughter and son. He raised them as a single father since they were 2 and 3 years old. They are now 23 and 24.

James tells me that he is in trouble now. I can confirm that he is contrite and very ashamed of whatever he is accused of doing. I am sure he will never do what he is accused of again.

Richard Hazelwood

402 N. 32rd Street, Phoenix, Arizons 85008 * Phone: (602) 275-7709 * Fax: (602) 275-4658



October 18, 2017

State Bar of Arizona Attention: Jim Lee 4201 N. 24th Street #100 Phoenix, Arizona 85016

Dear Mr. Lee,

I am pleased to write in support of William James Fisher, Jr. I have known James for forty years. During that time he has been a supportive friend, served as my personal attorney and consultant and has been a client of our firm. During this time James has always been my strongest advocate and advisor helping me with a variety of business and personal issues. I have personally referred dozens of individuals and businesses to him over the years and I have always respected how, regardless of the complexity or size of the case, gives each person his full attention and care. He truly puts the interests of others ahead of his own and for that I he will always have my deepest respect.

I would be pleased to speak with anyone regarding James and invite your call at any time. Thank you for your time.

Respectfully,

Paul C. Cyr President

DAVID ROSS APPLETON

ATTORNEY AT LAW

610 E. BELL ROAD-#2-114
PHOENIX, ARIZONA 85022
E-MAIL: DAPPLETONLAW@GMAIL.COM

ALSO ADMITTED IN ILLINOIS

TELEPHONE: 602-303-8291

FAX: 602-253-3992

State Bar of Arizona

Re: William James Fisher

Dear Bar Counsel:

I am writing this letter in support of Mr. Fisher regarding a current bar proceeding. Let me first state that I have no information regarding the proceeding itself; rather, I am addressing my perception of Mr. Fisher's role as an attorney.

I have known Mr. Fisher for over 20 years, having met him as we both toiled in the trenches of criminal defense practice in the Phoenix metro area.

I know his reputation in the community as an ethical and hard-working attorney. I personally know of many instances where he has obtained the most excellent results for his clients in the areas of criminal defense and personal injury.

I also know that Mr. Fisher has a high degree of compassion and care for his clients and he has put himself forward on a number of cases to represent individuals who most other attorneys simply showed the door to. He has been extremely active in representing the Latino community both in and out of court.

Mr. Fisher has labored long and hard as an attorney in Arizona and I hope that he will be able to finish out his career without interruption.

Very truly yours,

David R. Appleton

Date: October 16, 2017

James Fisher, Atty at Law

To whom it may concern,

I am writing on behalf of my friend and attorney, James Fisher, whom I met more than 30 years ago. As a political consultant I dealt with an array of people, James being one with whom I was most impressed. His love of family, compassion for his clients and his upmost integrity.

James spoke with me about the incident leading to the State Bar's questioning of his competency, ethics and professionalism as a lawyer. It was an emotional discussion because it concerned two of the most important factors of his life. His child and his career.

James recognizes the seriousness of the choice he made. He is remorseful and makes no excuses. So. I am compelled to put forth and respectfully ask the State Bar of Arizona to consider the circumstance that led to his error in judgement. Fear and concern for his son's welfare.

Sincerely,

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Hønness Rd, #1036 Lande, Mg 85/22

Casa Grande, AZ 85122 602 692 6332

P.S. Elease excuse the disorganized format. Computer + Prenter issues. Patricia A. Orozco 236 E. Orange Drive Phoenix, AZ 85012 928,580,5109 (cell phone)

October 19, 2017

Jim Lee State Bar of Arizona 4201 N. 24th St., Suite 100 Phoenix, AZ 85016

Re: William James Fisher

Dear Mr. Lee;

I write this letter on behalf of my friend of 55+ years, William James (Jim) Fisher. We knew each other because while growing up, Jim often came to play at my cousin's home when I was there. We attended Roskruge Jr. High and Cholla High school together.

Also our mothers were good friends, my father coached one of the baseball teams in the little league that Jim played on. Lastly, Jim's father, was an inspiration and role model for many Latino children in our neighborhood. Mr. Fisher was a principal at one of the schools in our area and one of the few college educated father's in our neighborhood. Through the years Jim and I have remained friends.

I have watched Jim raise his children as mostly a single parent and be a devoted son and brother. His Father passed away several years ago, but he remains vigilant and devoted to ensuring the best for his Mother's health and welfare.

Before I went to law school, Jim represented a young secretary, in the office where I worked, in a paternity and child support case. I can recall her praise of Jim. When she was being unreasonable, she told me how he brought her back to reality. Jim's former client and I have remained friends the years and I know she and Jim are still friends. She had told me on more than one occasion that through the years, she has sought Jim's advice and his counsel has always been wise.

I start with this information so you know, that when I say Jim is an honest and honorable man, you know that I have seen those qualities firsthand. I know that at the time of Jim's transgression, he was worried about the mental health and stability of his son. I cannot stress enough that I believe this transgression was a onetime incident and would never happen in the future. I would hope

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that the Committee takes this information into account when deciding what course of discipline, if any, to impose. Attorneys like Jim are a credit to our profession. I would hope this one transgression would not override all the good Jim has done as an attorney.

If you have any other questions, please feel free to contact me at the

number listed above.

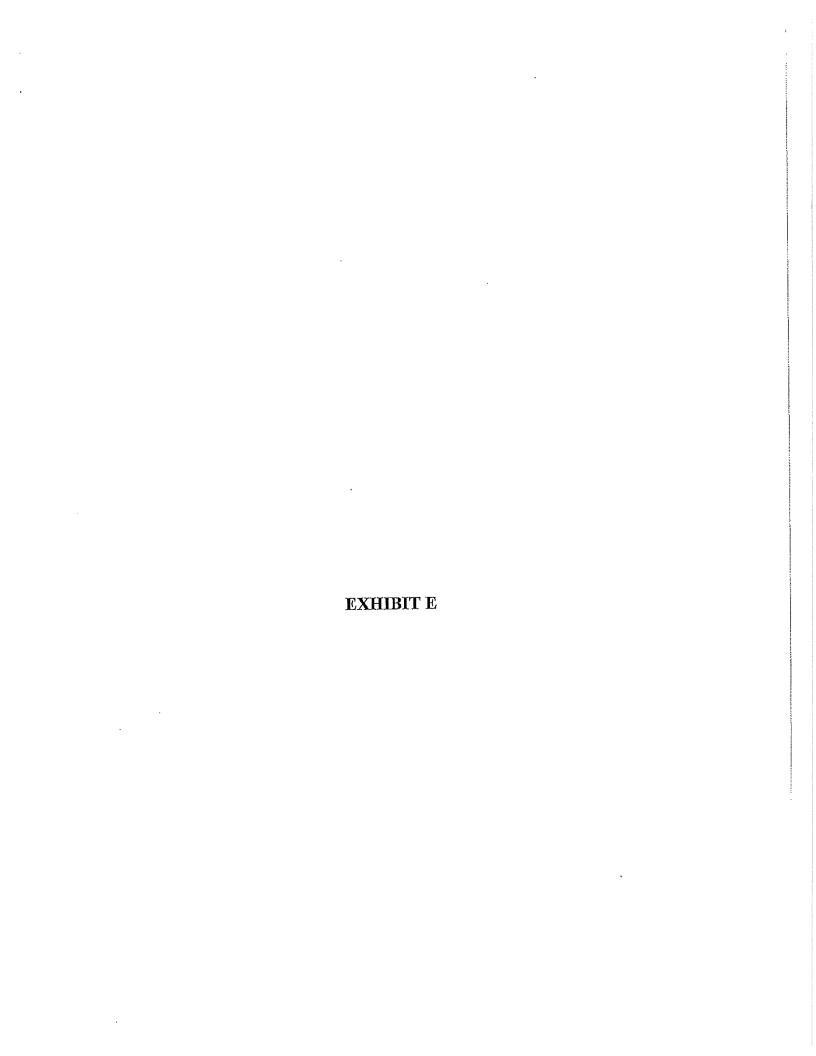
Thank you,

Patricia A. Orozco

SEALED

EXHIBIT D

SEALED PER COURT ORDER NOVEMBER 9, 2018



BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

WILLIAM JAMES FISHER, JR., Bar No. 005832,

Respondent.

PDJ-2017	
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FINAL JUDGMENT AND ORDER

[State Bar No. 15-2704]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on December ____, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, William James Fisher, Jr., is hereby suspended from the practice of law for two years for his conduct in violation of the Rules of the Supreme Court, including the Arizona Rules of Professional Conduct, and as outlined in the consent documents, effective 30 days from the date of this order.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two years (with the terms and conditions to be determined at the time of reinstatement).

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by a Hearing Panel 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 \$1,200 within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the Disciplinary Clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of ______, within 30 days from the date of service of this Order.

DATED this _____ day of December, 2017.

Original filed with the Disciplinary Clerk of the Office of the Presiding Disciplinary Judge of the Supreme Court of Arizona this day of December, 2017.
Copies of the foregoing mailed/emailed this day of December, 2017, to:
Mark I. Harrison Osborn Maledon, PA 2929 N Central Ave Ste 2100 Phoenix, AZ 85012-2765 Email: mharrison@omlaw.com Respondent's Counsel
Copy of the foregoing emailed/hand-delivered this day of December, 2017, to:
James D. Lee Senior Bar Counsel State Bar of Arizona 4201 North 24 th Street, Suite 100 Phoenix, Arizona 85016-6266 Email: LRO@staff.azbar.org
Copy of the foregoing hand-delivered this day of December, 2017, to:
Lawyer Regulation Records Manager State Bar of Arizona 4201 North 24 th Street, Suite 100 Phoenix, Arizona 85016-6266
by