

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

BRADLEY ABBAS,
Bar No. 014718

Respondent.

PDJ 2021-9027

FINAL JUDGMENT AND ORDER

[State Bar No. 20-2107]

FILED SEPTEMBER 20, 2021

The Presiding Disciplinary Judge accepted the parties' Agreement for Discipline by Consent submitted pursuant to Rule 57(a), Ariz. R. Sup. Ct.

Accordingly:

IT IS ORDERED that Respondent, **BRADLEY ABBAS, Bar No. 014718**, is suspended from the practice of law in Arizona for six months and one day for conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order.

IT IS FURTHER ORDERED that Respondent pay restitution to complainant Abdolreza Ashayeri in the sum of \$1,720.10, plus simple interest of 4.25%. Respondent shall pay restitution within 60 days from the date of service of this order. Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

IT IS FURTHER ORDERED that, upon reinstatement Respondent shall be placed on probation for a period of two (2) years. The terms of probation shall include the following:

- a) LRO Member Assistance Program (MAP): Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of an order reinstating him, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

Respondent shall commit no further violations of the Rules of Professional Conduct.

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 Respondent shall comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,231.64, within 30 days from the date of service of this order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

IT IS FURTHER ORDERED sealing Exhibit B of the Agreement pursuant to Rule 70(g), Ariz. R. Sup. Ct.

DATED this 20th day of September, 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copies of the foregoing emailed
this 20th day of September, 2021, to:

Bradley Abbas
3001 E Camelback Rd Ste 130
Phoenix, AZ 85016-4400
Email: ba@abbaslaw.com
Respondent

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

by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

BRADLEY ABBAS,
Bar No. 014718

Respondent.

PDJ 2021-9027

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE BY
CONSENT**

[State Bar No. 20-2107]

FILED SEPTEMBER 20, 2021

Pursuant to Rule 57(a), Ariz. R. Sup. Ct., an Agreement for Discipline by Consent was filed on August 26, 2021. A Probable Cause Order issued on April 14, 2021, and the formal complaint was filed on April 16, 2021. The State Bar of Arizona is represented by Hunter F. Perlmeter. Mr. Abbas is self-represented.

Rule 57 requires that admissions be tendered “in exchange for the stated form of discipline.” The respondent lawyer’s right to an adjudicatory hearing is waived only if the conditional admissions and proposed form of discipline are approved. If an agreement is not accepted, the conditional admissions are withdrawn and may not be used in any subsequent proceeding. Contingent on approval of the proposed form of discipline, Mr. Abbas has voluntarily waived the right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. Pursuant to Rule 53(b)(3), notice of the agreement was sent to the complainant(s) by letter on August 9, 2021. No objections have been received.

The Agreement details a factual basis to support the conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Mr. Abbas admits that he violated Rule 42, ERs 1.2(a) (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 3.2 (expediting litigation), 4.1 (truthfulness in statements to others), 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), 8.4(d) (conduct prejudicial to the administration of justice), and Rule 54(d) (failure to respond). As a sanction, the parties agree to a six month and one day suspension, the payment of restitution in the sum of \$1,720.10 within 60 days of the final judgment and order and, upon reinstatement, two years of probation with the State Bar's Member Assistance Program, and the payment of costs in the sum of \$1,231.64 within 30 days of the final judgment and order.

The parties stipulate that in 2017, Mr. Abbas represented a client/plaintiff in a personal injury matter. Thereafter, Mr. Abbas failed to appear for the scheduled arbitration hearing, and, as a result, the court dismissed the matter and ordered Respondent's client to pay defendant's attorney's fees. Mr. Abbas further failed to respond to the State Bar's investigation of this matter.

The parties stipulate that Mr. Abbas knowingly violated his duties to his client, the profession, and the legal system. His conduct caused actual harm to the client, profession and legal system. The presumptive sanction is suspension under ABA Standard 4.42 -- Lack of Diligence. The parties stipulate to the existence of aggravating factors 9.22(a) prior disciplinary offenses, 9.22(b) dishonest or selfish motive, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency, 9.22(i)

substantial experience in the practice of law, and (j) indifference to making restitution. The parties further stipulate to the existence of mitigating factor, 9.32(c) personal or emotional problems (sealed exhibit B).

IT IS ORDERED accepting the Agreement. A final judgment and order is signed this date.

DATED this 20th day of September 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
on this 20th day of September 2021 to:

Hunter F. Perlmeter
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: LRO@staff.azbar.org

Bradley Abbas
3001 E. Camelback Road, Suite 130
Phoenix, AZ 85016-4400
Email: ba@abbaslaw.com
Respondent

by: SHunt

Hunter F. Perlmeter, Bar No. 024755
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7386
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Bradley Abbas, Bar No. 014718
3001 E Camelback Rd Ste 130
Phoenix, AZ 85016-4400
Telephone 602-265-6837
Email: ba@abbaslaw.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**BRADLEY ABBAS,
Bar No. 014718,**

Respondent.

PDJ 2021-9027

State Bar File No. **20-2107**

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

**[EXHIBIT B FILED UNDER
SEAL]**

The State Bar of Arizona, and Respondent Bradley Abbas who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on April 14, 2021. A formal complaint was filed April 16, 2021.

Respondent answered on May 28, 2021 during the default period. 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.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was sent to complainant by letter on August 9, 2021, informing him 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. Complainant did not lodge an objection.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER 1.15, ER 3.2, ER 4.1, ER 8.4(c), ER 8.4(d). Upon acceptance of this agreement, Respondent agrees to the following discipline:

- a) Six (6) months and one (1) day suspension
- b) Payment of restitution to Complainant Ashayeri, or direct payment to the opposing party, satisfying the judgment entered against Ashayeri on April 6, 2020 in CV2019-002758 in the amount of \$1,720.10, plus "simple 4.25%

interest.” Payment shall be made within sixty (60) days of the final judgment and order.

- c) Two (2) years’ Probation upon reinstatement requiring participation in the Member Assistance Program (MAP).
- d) Payment of the costs and expenses of the disciplinary proceeding, within 30 days from the date of the judgment an order. (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 became licensed to practice law in Arizona on June 15, 1993.

COUNT ONE (File no. 20-2107/ Ashayeri)

- 2. In March of 2017, Complainant Abdolreza Ashayeri hired Respondent for representation in a personal injury matter.

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.

3. On March 22, 2019, Respondent filed a civil complaint on Ashayeri's behalf in Maricopa County case no. CV2019-002758.

4. On December 6, 2019, the assigned arbitrator set a January 13, 2020 arbitration hearing and sent a notice to Respondent.

5. On January 13, 2020, Respondent failed to appear for the arbitration hearing.

6. On January 21, 2020, the defendant filed a motion to dismiss based on the failure to appear.

7. On February 25, 2020, the court granted defendant's motion to dismiss. Thereafter, the court ordered Ashayeri to pay the defendant \$1,720.10 in attorneys' fees.

8. In September of 2020, Ashayeri contacted the State Bar and indicated that, despite repeated efforts, he had been unable to establish contact with Respondent during the prior seven months.

9. During that time, Ashayeri discovered, on his own, that a default judgment had been entered against him.

10. On September 29, 2020, Ashayeri filed a pro-per motion to reinstate the case.

11. On November 4, 2020, the court denied the motion to reinstate.
12. Respondent did not inform Ashayeri of his failure to appear for arbitration, the defendant's motion to dismiss, the dismissal of the case, or the attorneys' fees award.
13. On November 6, 2020, the State Bar sent an initial screening letter to Respondent requiring a response by November 30, 2020. Respondent failed to respond.
14. On December 1, 2020, the State Bar sent a second letter to Respondent requiring a response within 10 days. Respondent failed to respond.
15. On February 12, 2021 a State Bar investigator left a voicemail for Respondent and emailed him requesting a response. Respondent did not respond.
16. On February 18, 2020, the State Bar's investigator contacted an attorney sharing office space with Respondent and asked for information concerning Respondent's whereabouts.
17. That afternoon, Respondent emailed the State Bar investigator and indicated that he believed he could provide a written response by the following Monday.

18. Respondent failed to respond the following Monday or anytime thereafter.

19. In engaging in the above conduct, Respondent violated the following rules:

- a. ER 1.3 (diligence)
- b. ER 1.4 (communication)
- c. ER 3.2 (expediting litigation)
- d. ER 3.4(c) (knowing violation of a court order)
- e. ER 8.4(c) (dishonest [concealment of dismissal])
- f. ER 8.4(d) (prejudice to administration of justice)
- g. Rule 54(d) (failure to respond to bar counsel)

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 he violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER 1.15, ER 3.2, ER 4.1, ER 8.4(c), and ER 8.4(d).

CONDITIONAL DISMISSALS

There are no conditional dismissals.

RESTITUTION

Respondent agrees to pay restitution satisfying the judgment entered against Complainant on April 6, 2020 in CV2019-002758 in the amount of \$1,720.10, plus “simple 4.25% interest.”

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:

- a. Suspension of six (6) months and one (1) day,
- b. Restitution: Respondent shall pay restitution to Complainant Ashayeri, or to the opposing party, within sixty (60) days satisfying the judgment entered against Ashayeri on April 6, 2020 in CV2019-002758 in the amount of \$1,720.10, plus “simple 4.25%.” Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

c. Two (2) years' Probation upon reinstatement, the terms of probation will consist of:

LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of reinstatement, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

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 determining an appropriate sanction, the Court considers 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. *Standard 3.0*.

The parties agree that the following *Standard 4.4 Lack of Diligence* is the appropriate *Standard* given the facts and circumstances of this matter: *Standard 4.4 Lack of Diligence* provides that Suspension is generally appropriate when:

- a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.

The duty violated

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

The lawyer's mental state

Respondent knowingly was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

There was actual harm to the client, the profession and the legal system.

Aggravating and mitigating circumstances

The presumptive sanction is Suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

- a) 9.22(a) prior disciplinary offenses (Admonition in file no. 17-2558)
- b) 9.22(b) dishonest or selfish motive (concealment)
- c) 9.22(c) a pattern of misconduct (repeated failure to act with diligence))
- d) 9.22(d) multiple offenses (all of the above agreed upon violations)
- e) 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency (failure to respond to the State Bar)
- f) 9.22(i) substantial experience in the practice of law (Respondent was admitted in 1993.
- g) 9.22(j) indifference to making restitution (failure to satisfy client's judgment).

In mitigation:

- a) 9.32(c) personal or emotional problems (Attached counseling records filed under seal as Exhibit B)

Discussion

The presumptive sanction should be aggravated to a long-term suspension with Probation. 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. In re *Peasley*, 208 Ariz. 27 (2004). 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 Suspension, restitution, Probation upon reinstatement, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

DATED this 25th day of August 2021


STATE BAR OF ARIZONA

/s/ Hunter F. Perlmeter

Hunter F. Perlmeter
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 25th day of August, 2021.


Bradley Abbas
Respondent

DATED this 25 day of August, 2021.

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 26 day of August, 2021.

Copy of the foregoing emailed
this 26 day of August, 2021, to:

The Honorable Margaret H. Downie
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 emailed this
26 day of August, 2021, to:

Bradley Abbas
3001 E Camelback Rd Ste 130
Phoenix, AZ 85016-4400
Email: ba@abbaslaw.com
Respondent

Copy of the foregoing hand-delivered
this 26 day of August, 2021, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: /s/ Dorian Dawson
HFP/dpd

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Bradley Abbas, Bar No. 014718, Respondent

File No. 20-2107

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.

Additional Costs

02/12/21	Computer investigation reports	\$ 5.30
02/17/21	Computer investigation reports	\$ 26.34

Total for additional costs \$ 31.64

TOTAL COSTS AND EXPENSES INCURRED \$ 1,231.64

EXHIBIT B (FILED UNDER SEAL)

EXHIBIT C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**BRADLEY ABBAS,
Bar No. 014718,**

PDJ 2021-9027

**FINAL JUDGMENT AND
ORDER**

State Bar No. 20-2107

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

Accordingly:

IT IS ORDERED that Respondent, **Bradley Abbas**, is Suspended for six (6) months and one (1) day for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order.

IT IS FURTHER ORDERED that: Respondent shall pay restitution to Complainant to compensate Complainant for the judgment entered against him on April 6, 2020 in Maricopa County case no. CV2019-002758. The amount of the

judgment at issue is \$1,720.10, plus “simple interest of 4.25%. Respondent shall pay the amount within sixty (60) days from the date of service of this Order, unless otherwise specified herein. Respondent shall contact the State Bar Compliance Monitor at 602-340-7258, to provide proof of timely payment of restitution.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of two (2) years, **the terms of probation which will consist of:**

- a) LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of an order reinstating himF, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

Respondent shall commit no further violations of the Rules of Professional Conduct.

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 \$ _____, 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 August, 2021.

**Margaret H. Downie, Presiding Disciplinary
Judge**

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of August, 2021.

Copies of the foregoing mailed/mailed
this _____ day of August, 2021, to:

Bradley Abbas
3001 E Camelback Rd Ste 130
Phoenix, AZ 85016-4400
Email: ba@abbaslaw.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of August, 2021, to:

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

Copy of the foregoing hand-delivered
this _____ day of August, 2021 to:

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

by: _____