

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**JARED WINSOR BENNETT,**  
**Bar No. 020372**

Respondent.

**PDJ 2021-9056**

**FINAL JUDGMENT AND ORDER**

[State Bar Nos. 21-0749, 21-1011]

**FILED SEPTEMBER 30, 2021**

The hearing panel issued its decision on September 17, 2021 imposing disbarment, restitution, and the payment of costs. No appeal has been filed pursuant to Rule 59, Ariz. R. Sup. Ct. The State Bar filed its Statement of Costs and Expenses on September 17, 2021 pursuant to Rule 60(d). No objection has been filed.

**IT IS THEREFORE ORDERED** that Respondent **JARED WINSOR BENNETT, Bar No. 020372**, is disbarred from the practice of law in Arizona effective September 17, 2021, for his conduct in violation of the Arizona Rules of Professional Conduct as set forth in the hearing panel's decision. His name is stricken from the roll of lawyers and he is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court.

**IT IS FURTHER ORDERED** that Respondent comply with the requirements relating to notification of clients and others and file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

**IT IS FURTHER ORDERED** that Respondent shall pay restitution in the sum of \$2,875 to Gabrielle Annett and \$2,390 to John Doddridge

**IT IS FURTHER ORDERED** that Respondent shall pay the costs and expenses of the State Bar of Arizona in the sum of \$2,000.00. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

**DATED** this 30<sup>th</sup> day of September 2021.

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

COPY of the foregoing e-mailed  
on this 30th day of September 2021, to:

Jared Winsor Bennett  
Bennett Law Group, PLC  
1717 E. Bell Road, Suite 7  
Phoenix, AZ 85022-6200  
Email: [jbennett@bennettlawplc.com](mailto:jbennett@bennettlawplc.com)  
Respondent

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: SHunt

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**JARED WINSOR BENNETT,**  
**Bar No. 020372**

Respondent.

**PDJ 2021-9056**

**DECISION AND ORDER  
IMPOSING SANCTIONS**

State Bar No. 21-0749, 21-1011

**FILED September 17, 2021**

The State Bar of Arizona filed a complaint against Respondent Jared Winsor Bennett on July 9, 2021. On July 12, 2021, the complaint was served on Respondent by certified, delivery-restricted mail, as well as by regular first-class mail, pursuant to Rules 47(c) and 58(a)(2), Ariz. R. Sup. Ct. A notice of default was issued on August 9, 2021 due to Respondent's failure to file an answer or otherwise defend. Respondent did not thereafter appear in these proceedings. As a result, the default became effective on August 30, 2021, at which time a notice of aggravation/mitigation hearing was sent to all parties.<sup>1</sup>

On September 15, 2021, a hearing panel comprised of Presiding Disciplinary Judge Margaret H. Downie, attorney member James M. Marovich, and public member Howard

---

<sup>1</sup> It appears that Respondent has not complied with Rule 32(c)(4)(iii), which requires all "members" to provide the State Bar with a current street address, email address, telephone number, and any other post office address the member may use. A suspended attorney is considered a "member" of the State Bar. *See* Rule 32(c)(1).

M. Weiske heard argument and considered the record before it. Senior Bar Counsel Craig D. Henley appeared on behalf of the State Bar. Mr. Bennett did not appear. Exhibits 1-28 were admitted into evidence. By virtue of the default, the facts set forth in the State Bar's complaint have been deemed admitted.

### **FINDINGS OF FACT**

#### **GENERAL ALLEGATIONS**

1. At all times relevant, Respondent was a lawyer licensed to practice law in the State of Arizona, having been admitted to the State Bar of Arizona on February 13, 2001.

#### **COUNT ONE (File No. 21-0749/Annett)**

2. On August 14, 2019, Gabrielle Annett gave Respondent \$2875 as a flat fee, earned upon receipt payment to initiate bankruptcy proceedings on her behalf.

3. The written agreement identified a portion of the prepaid fee as a filing fee of \$335 and a credit reporting fee of \$40.

4. On or about August 19, 2019, Respondent's assistant established a link for Ms. Annett to upload documents, and Ms. Annett provided all required documents shortly thereafter.

5. On October 23, 2019, Respondent initiated the United States Bankruptcy Court case of *In re: Gabrielle Annett*, 2:19-bk-13569-MCW.

6. Shortly thereafter, Ms. Annett informed Respondent that she intended to sell her home, which was estimated to have approximately \$90,000 in equity.

7. On December 13, 2019, Respondent filed a Motion for Sale of Property Free and Clear of Liens prior to filing a Notice of Intent to Abandon the property. Respondent failed to advise Ms. Annett that, by doing so, any proceeds from the sale would become part of the bankruptcy estate. Respondent also failed to discuss or explain ways to avoid the home becoming an asset of the bankruptcy estate.

8. Between December 2019 and February 4, 2020, Ms. Annett unsuccessfully attempted to contact Respondent regarding the anticipated sale of the home and her realtor's requests for information.

9. On February 4, 2020, Ms. Annett e-mailed Respondent, stating that the buyers were backing out of the sale due to his delays and inaction.

10. In a separate e-mail, Ms. Annett terminated Respondent.

11. On February 10, 2020, Ms. Annett hired substitute counsel, who filed a notice in the bankruptcy proceedings as attorney of record.

12. On February 13, 2020, Ms. Annett demanded that Respondent refund the previously paid fees. Respondent did not respond to her e-mail.

13. On February 18, 2020, Ms. Annett's new attorney filed an Amended Motion to Approve the Sale, which was granted on February 27, 2020.

14. While the home eventually sold, the Bankruptcy Trustee received all profits from the sale. Successor counsel was eventually able to negotiate an agreement with the Trustee, whereby Ms. Annett would receive all sales profits, less \$25,000.

15. On September 10, 2020, Ms. Annett initiated the Maricopa County Superior Court case of *Annett v. Bennett Law Group, PLC*, CV2020-010994. Respondent was personally served on September 18, 2020. On December 22, 2020, Ms. Annett obtained a default judgment in the principal sum of \$38,475.00 (representing the \$25,000 in lost profits from the sale of the home and rental payments necessitated by Respondent's delay), along with an award of attorney's fees and costs totaling \$3,111.95.

16. On April 26, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that failure to cooperate with the State Bar investigation is a basis for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

17. On May 25, 2021, the State Bar e-mailed a second screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response to the allegations and stated that failure to cooperate with the State Bar investigation is a basis for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

18. To date, the State Bar has not received a response from Respondent.

19. By engaging in the above-referenced conduct, Respondent violated the following ethical rules:

a. Rule 42, Ariz. R. Sup. Ct.:

- ER 1.2 by failing to abide by the client's authority and requests;
- ER 1.3 by failing to act diligently during the representation;
- ER 1.4 by failing to reasonably communicate with the client;
- ER 1.5(a) by charging, collecting, and retaining an unreasonable fee;
- ER 1.16(d) by failing to take steps reasonably practicable to protect the client's interests upon termination of the representation;
- ER 8.1(b) by knowingly failing to respond to the State Bar's requests for information.

b. Rule 54(d), Ariz. R. Sup. Ct. by failing to respond promptly to the inquiries and requests of the State Bar.

**COUNT TWO (File No. 21-1011/Doddridge)**

20. In or around March 2020, John Doddridge gave Respondent \$2390 as a flat fee, earned upon receipt payment, to initiate bankruptcy proceedings on his behalf.

21. The written agreement identified a portion of the prepaid fee as a filing fee of \$335 and a credit reporting fee of \$40.

22. When asked for updates on the case, Respondent purportedly claimed that they should delay filing the bankruptcy for several different reasons.

23. On August 20, 2020, Respondent was suspended from the practice of law in *In re: Jared Winsor Bennett*, PDJ 2020-9060-PV, but he failed to inform Mr. Doddridge of his suspension.

24. Despite numerous attempts in 2020 and 2021, Mr. Doddridge was unable to contact Respondent.

25. In March 2021, Mr. Doddridge terminated Respondent and requested a full refund of fees.

26. On April 2, 2021, Respondent claimed to have sent Mr. Doddridge a refund check for the reduced amount of \$2135.

27. When he did not receive the refund check, Mr. Doddridge made several e-mail attempts to contact Respondent.

28. To date, Mr. Doddridge has not received the refund check or a response from Respondent.

29. Respondent failed to file the bankruptcy.

30. On May 4, 2021, the State Bar e-mailed an initial screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response and stated that failure to cooperate with the State Bar

investigation is a ground for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

31. On May 26, 2021, the State Bar e-mailed a second screening letter to Respondent at his last known e-mail address of record with the State Bar. The letter requested a written response to the allegations and stated that failure to cooperate with the State Bar investigation is a ground for discipline pursuant to Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54, Ariz. R. Sup. Ct.

32. To date, the State Bar has not received a response from Respondent.

33. By engaging in the above-referenced conduct, Respondent violated the following ethical rules:

a. Rule 42, Ariz. R. Sup. Ct.:

- ER 1.2 by failing to abide by the client's authority and requests;
- ER 1.3 by failing to act diligently during the representation;
- ER 1.4 by failing to reasonably communicate with the client;
- ER 1.5(a) by charging, collecting, and retaining an unreasonable fee;
- ER 1.16(d) by failing to take steps reasonably practicable to protect the client's interests upon termination of the representation;
- ER 8.1(b) by knowingly failing to respond to the State Bar's requests for information.

- b. Rule 54(d), Ariz. R. Sup. Ct. by failing to respond promptly to the inquiries and requests of the State Bar.

### **CONCLUSIONS OF LAW**

Clear and convincing evidence established that Respondent violated the following ethical rules in each count: ER 1.2, ER 1.3, ER 1.4, ER 1.5(a), ER 1.16(d), ER 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct.

### **SANCTION**

Sanctions imposed against lawyers “shall be determined” in accordance with the American Bar Association *Standards for Imposing Lawyer Sanctions* (“ABA Standards”). Rule 58(k), Ariz. R. Sup. Ct. In fashioning a sanction, the hearing panel considers the following factors: (1) the duty violated; (2) the lawyer’s mental state; (3) the actual or potential injury caused by the lawyer’s misconduct; and (4) the existence of aggravating or mitigating factors. ABA Standard 3.0.

Respondent violated his duties to his clients by violating ER 1.2, ER 1.3, ER 1.4, ER 1.5(a) and ER 1.16(d). Respondent also violated duties owed as a professional by violating ER 8.1(b) and Rule 54(d). The record reflects that Respondent acted knowingly and that his actions and inaction caused actual harm to his clients.

ABA Standard 4.41 states:

Disbarment is generally appropriate when:

(a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or

(b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or

(c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

In terms of Respondent's failure to cooperate with the State Bar's investigations, Standard 7.2 provides:

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.

Based on Respondent's disciplinary history, ABA Standard 8.1(b) is also relevant. It states:

Disbarment is generally appropriate when a lawyer has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that causes injury or potential injury to a client, the public, the legal system or the profession.

The hearing panel next considers the existence of aggravating or mitigating factors – both of which must be supported by reasonable evidence. *In re Abrams*, 227 Ariz. 248, 252 (2011). The following aggravating factors have been established by reasonable evidence:

1. 9.22(a) prior disciplinary offenses;
  - *In re: Jared Winsor Bennett*, PDJ 2021-9040 (August 2021): Respondent was suspended from the practice of law for three years for violating Rule 42,

Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4, 1.5(a), 1.16(d), 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct.;

- *In re: Jared Winsor Bennett*, PDJ 2020-9060-PV (August 2020): Respondent was suspended from the practice of law for six months for violating his probation terms; and
  - *In re: Jared Winsor Bennett*, SB18-2758 (January 2020): Respondent was admonished for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4, 1.5(b), 1.6, 1.16(d), and 8.1(b).
2. 9.22(b) dishonest or selfish motive; and
  3. 9.22(j) indifference to making restitution.

The record does not establish the existence of any mitigating factors. The presumptive sanction of disbarment is therefore appropriate.

### CONCLUSION

The purpose of lawyer discipline is to protect the public and the administration of justice, as well as to deter both the respondent attorney and members of the bar at large from engaging in the same or similar misconduct. *In re Zawada*, 208 Ariz. 232, 236 (2004). Attorney discipline also aims “to instill public confidence in the Bar’s integrity.” *In re Phillips*, 226 Ariz. 112, 117 (2010).

For the foregoing reasons, the hearing panel orders as follows:

- a) Respondent shall be disbarred, effective immediately;
- b) Respondent shall pay restitution in the sum of \$2875 to Gabrielle Annett;
- c) Respondent shall pay restitution in the sum of \$2390 to John Doddridge; and

d) Respondent shall pay all costs and expenses incurred by the State Bar.  
There are no costs or expenses incurred by the Office of the Presiding  
Disciplinary Judge in this proceeding.

A final judgment and order will follow.

**DATED** this 17th day of September, 2021.

/s/ signature on file  
Margaret H. Downie, Presiding Disciplinary Judge

/s/ signature on file  
James M. Marovich, Attorney Member

/s/ signature on file  
Howard M. Weiske, Public Member

Copy of the foregoing emailed  
this 17<sup>th</sup> day of September, 2021, to:

Jared Winsor Bennett  
1717 E. Bell Road, Suite 7  
Phoenix, Arizona 85022-6200  
Email: jrbennett@bennettlawplc.com  
Respondent

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

by: MSmith