

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MILES MAESTAS,
Bar No. 024464

Respondent

PDJ 2021-9105

FINAL JUDGMENT AND ORDER

[State Bar No. 21-1639]

FILED DECEMBER 21, 2021

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

IT IS THEREFORE ORDERED that Respondent, **MILES MAESTAS, Bar No. 024464**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of one (1) year under the following terms:

1. Continuing Legal Education ("CLE"): In addition to annual MCLE requirements, Respondent shall complete the following CLE programs within 90 days from the date of service of the final judgment and order: a) *Candor, Courtesy and Confidences* and b) *Wait Wait – Don't Lawyer Me.*

Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent shall contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent shall be responsible for the cost of the CLE.

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

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, 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.

DATED this 21st day of December, 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copies of the foregoing emailed
this 21st day of December, 2021, to:

Jessica L. Beckwith
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2929 N. Central Avenue, Suite 1700
Phoenix Plaza Tower II
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Email: jessica.beckwith@lewisbrisbois.com
Respondent's Counsel

Craig D. Henley
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State Bar of Arizona
4201 N. 24th Street, Suite 100
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by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MILES MAESTAS,
Bar No. 024464

Respondent.

PDJ 2021-9105

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE BY
CONSENT**

[State Bar No. 21-1639]

FILED DECEMBER 21, 2021

On December 13, 2021, the parties filed an Agreement for Discipline by Consent (“Agreement”) pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar of Arizona is represented in this matter by Craig D. Henley. Respondent Miles Maestas is represented by Jessica L. Beckwith. A probable cause order issued on December 10, 2021, but no formal complaint has been filed.

Contingent on approval of the proposed form of discipline, Mr. Maestas has voluntarily waived his right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. As required by Rule 53(b)(3), notice of the Agreement was sent to the complainant(s) by letter dated November 15, 2021 and December 10, 2021. A notice of no opposition to the Agreement was filed.

The Agreement details a factual basis in support of Mr. Maestas’ conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Mr. Maestas admits violating Rule 42, ERs 3.3(c) (candor towards tribunal), 8.4(d) (conduct prejudicial to the administration of justice), and Rule 54(c) (knowing violation of any rule/order). As a

sanction, the parties agree to a reprimand, one year of probation, and payment of costs to the State Bar.

Mr. Maestas was personally involved in family court litigation regarding custody and parenting time. He failed to abide by the requirements of A.R.S. § 25-408 by relocating with one of the minor children to Holbrook without proper notification to the child's mother or the court. He also made written and oral statements to the court about his residency that were incomplete and misleading.

Based on the conditional admissions, the parties state that the presumptive sanction under the ABA Standards for Imposing Lawyer Sanctions is reprimand under § 6.13 (false statements, fraud, and misrepresentation) and § 6.23 (abuse of the legal process). They further stipulate to the existence of mitigating factor 9.32(a) – absence of prior disciplinary record and no aggravating factors.

Although the Agreement states that Mr. Maestas “was negligent in determining whether his statements and documents regarding his residency” were false, the agreed-upon ER 3.3(c) and Rule 54(c) violations have a “knowing” standard. “Knowing” conduct implicates Standards §§ 6.12 and 6.22, which call for suspension. The PDJ considered rejecting the Agreement as written or requesting additional briefing from the parties. However, it is significant that the judicial officer who referred Mr. Maestas to the State Bar has no objection to the Agreement. Mr. Maestas' lack of prior discipline in 15 years of practice is also significant. For these reasons,

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

DATED this 21st day of December 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
this 21st day of December 2021 to:

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Senior Bar Counsel
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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**MILES MAESTAS,
Bar No. 024464,**

Respondent.

PDJ 2021 - 9105

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File No. 21-1639

The State Bar of Arizona, and Respondent Miles Maestas through counsel of record, Jessica L. Beckwith, hereby submit this Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

A Probable Cause Order was approved by the Attorney Discipline Probable Cause Committee at the December 10, 2021 meeting.

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 provided to the Complainant by letters dated November 15, 2021 and December 10, 2021. Complainant has 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. Copies of Complainant's objections, if any, will be provided to the Presiding Disciplinary Judge upon receipt.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 3.3(c) and 8.4(d) and Rule 54(c), Ariz. R. Sup. Ct.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with One (1) Year of Probation terms of which are set in Sanctions below.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this 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. At all times pertinent, Respondent was licensed to practice law in the State of Arizona on October 26, 2006.

COUNT ONE (File No. 21-1639/Judicial Referral)

2. On September 23, 2015, the Circuit Court of Fairfax County, Virginia approved a stipulation to custody, visitation and child support between Respondent ("Father") and Laurel Barrette ("Mother")² regarding their two minor children. Among other things, the stipulation granted the parties joint legal decision-making

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.

² Mother was Father's first wife.

authority with Mother being the primary residential parent. Father was granted parenting time every other weekend, certain holidays and six weeks during the summer.

3. In July 2016, Father married his second wife. They bought and moved to a home located at 5758 W T Ryan Ln., Laveen, Arizona 85339 (“Laveen Home”) in June 2018, one month before the youngest child moved to live with Father with Mother’s knowledge and consent.

4. At all times pertinent, Father co-owned the Laveen house.

5. Mother, her new wife, and the oldest child moved to Scottsdale, Arizona in October 2018.

6. On March 5, 2020, Father registered the consent order and filed several documents including, but not limited to, a motion for post-decree temporary orders, thereby initiating the Maricopa County Superior Court family law case of *Barrette v. Maestas*, FC2020-001528.

7. In the spring of 2020, Father rented an apartment at 2930 N. 52nd Street, #204, Phoenix, Arizona 85018 for six months following a break between he and his second wife. While the second wife continued residing in the Laveen Home, Father

continued sharing the Laveen Home expenses with the second wife, purportedly with the intention of moving back in when the second wife moved out.

8. On May 22, 2020, Father, through counsel, filed a Separate Pretrial Statement stating that his address was 2930 N. 52nd Street, #204, Phoenix, Arizona 85018. The pretrial statement also identified Father's father ("Grandfather") as residing at 500 E. Iowa St., Holbrook, AZ 86025.

9. On May 24, 2020, Mr. Maestas began his summer vacation parenting time with his son, in compliance with the September 2015 court-ordered agreement. On or about May 24, 2020, Father and the minor child traveled to Grandfather's house in Holbrook without notification to Mother or the court which notification Mr. Maestas did not believe was necessary or legally required.

10. On May 27, 2020, an evidentiary hearing was held on the temporary orders. Father was represented by counsel and testified that he and the minor child still lived in Phoenix but were temporarily in Holbrook.

11. On June 8, 2020, Mother sent a letter to the court requesting that the minor reside with her stating, in pertinent part, that the minor recently returned to Maricopa County after physically being in Holbrook "2 out of 6 weeks summer vacation time with father." Mother further stated that when she went to Father's

home and asked Father if he was moving to Holbrook (purportedly based on the minor's statements that they drove back from Holbrook in a moving van), "Father informed mother she had no right to know if it was a temporary or permanent move and that he had no responsibility to inform mother."

12. On June 10, 2020, Father filed a *pro per* Updated Information form identifying the following addresses:

My old address was: 2930 N. 52nd St., Phoenix, AZ 85018

My new address is: 5758 W T Ryan Ln., Laveen AZ 85339

My new mailing address is: 500 E. Iowa St., Holbrook, AZ 86025

13. In his written response to the State Bar, Father claims that the physical relocation was part of his authorized summer visitation pursuant to the 2015 court-ordered agreement.

14. Father also states that "[s]tarting in May and June 2020, (Father) was persuaded that it was in his personal and professional interest to accept an invitation from (Grandfather) to stay for a time in Holbrook, AZ." Father also states that his intentions in filing the June 10th update "was to make clear to the court that he was then physically in Holbrook and had a permanent residence at his home in Laveen, AZ."

15. On June 13, 2020, court administration issued an order for the parties to participate in a conflict resolution class. The order was mailed to Father at the Holbrook address.

16. Based upon the parties' testimony at the May 27th hearing, the court believed that both parties resided in Maricopa County without plans to relocate when issuing the temporary orders on June 16, 2020. The temporary orders were sent to Father's attorney of record.

17. While the temporary orders were silent as to the parties' current physical address, the court granted Father's request to be the primary residential parent with Mother receiving parenting time every other weekend. The court also affirmed the previous holiday visitation schedule set forth in the Virginia consent agreement.

18. The temporary orders contained notification obligations pursuant to A.R.S. § 25-408 if either parent relocated the child to a destination "100 miles from the current residential locations" and required that "[e]ach parent will inform the

other parent of any change of address and/or phone number in advance or within 14 days of the change.”³

19. On June 18, 2020, Father, through counsel, filed a motion to dismiss Mother’s June 8th letter as the requested relief became moot after the June 16, 2020 orders. The court granted the motion to dismiss on July 16, 2020.

20. On June 25, 2020, Father initiated the Maricopa County Superior Court family law case of *Maestas v. Maestas*, FN2020-002774 against his second wife.⁴

21. Father consistently identified his address in multiple court filings as “500 E. Iowa St. Holbrook, AZ 86025” in the second divorce.⁵

22. On June 30, 2020, the court held a resolution management in the first divorce and ordered the parties to participate in a parenting conference. The court also set an October 8, 2020 trial date.

³ A.R.S. § 25-408 states, in pertinent part:

“A. If by written agreement or court order both parents are entitled to joint legal decision-making or parenting time and both parents reside in the state, at least forty-five days' advance written notice shall be provided to the other parent before a parent may do either of the following: 1. Relocate the child outside the state. 2. Relocate the child more than one hundred miles within the state.”

⁴ Unless otherwise denoted, all references to this lawsuit or the court will contain the phrase “second divorce”.

⁵ Holbrook is approximately 186 miles from Phoenix.

23. On August 6, 2020, the court scheduled a September 24, 2020 early resolution conference in the second divorce.

24. On or before August 12, 2020, Father prepared and submitted a questionnaire in advance of the court-ordered parenting conference in the first divorce stating that his current address was “500 E. Iowa St., Holbrook, AZ 86025 (Summer)”.

25. Father also wrote the following regarding employment:

“I set my own hours each week and frequently work at my home office. In Holbrook, my law office is in the same building as my son’s homework room and residence. There is no commute. In Phoenix, I will have a home office with some commute to the nearest executive office.”

26. In his response to the State Bar, Father states that he and the minor child primarily resided in Holbrook from late May 2020 through September 2020, but “he continued negotiations with his second wife during the month to find an acceptable living arrangement that both could bring him into compliance with all provisions of the Temporary Orders while also carrying out his parental duties to his son and acting in his son’s best interest.”

27. On September 23, 2020, the court held a status conference to address a number of concerns including, but not limited to, Father’s violation of A.R.S. § 25-408 and court orders by relocating with the minor without notice to Mother,

changing the minor's school and failing to secure appropriate mental health services for the minor.

28. During the hearing, the court questioned Father about his June 10, 2020 change of address form and relocation of the minor child. The court also verbally admonished Father for being an officer of the court who appeared to have violated A.R.S. § 25-408 and court orders.

29. Father through counsel responded that day to the court, and reiterated his statements in his written response to the State Bar, stating in pertinent part:

“(Father) represented to the Court that he was just visiting his father in Holbrook and would return back to the Phoenix area with the Child no later than October 1, 2020.”

30. Father explains that his statement to the court was based on, at least in part, his belief that he could reach an agreement with the second wife at the early resolution conference in the second divorce – scheduled to occur on September 25, 2020.

31. The court vacated and rescheduled the previous scheduled October 8th trial. The court also appointed a court-appointed advisor (CAA).⁶

32. On October 24, 2020, the parties reached an agreement in the second divorce which allowed the second wife to continue residing at the Laveen Home until at least October 1, 2021.

33. On November 9, 2020, Father's counsel filed a motion to withdraw pursuant to Rule 9 of the Arizona Rules of Family Law and Rule 42 of the Rules of Professional Conduct stating, in pertinent part, that Father was notified in writing of the status of the case including, but not limited to, "...pending compliance with any existing Court orders, and the possibility of sanctions for failure to comply with Court orders."

⁶ In his response to the State Bar, Father states that he discussed the possibility of being found in violation of the court orders with counsel and others but "he thought that the court would weigh more heavily his son's best interest than where his son was physically living. There seemed to be a reasonable explanation of how (Father) tried to come into compliance with that provision of the order and provide explanation to the court through what (Father) believes were the available channels – the October 8th trial, then the CAA and then the to-be-rescheduled trial. (Father's) attorney indicated that the proper way to explain things to the court was through the CAA, which (Father) did, or at an evidentiary hearing, which (Father) planned to do at the April 27, 2021 rescheduled trial."

34. On November 18, 2020, the court accepted a September 27, 2020 consent decree in the second divorce awarding, among other things, the Laveen Home solely to Father subject to the second wife residing there until October 1, 2021.

35. Father provided information to the CAA that identified events and conditions that Father considered favorable and, in his opinion in the child's best interest, as well as his unsuccessful attempts to reoccupy the Laveen Home.

36. On January 17, 2021, the CAA filed a report stating, in pertinent part, that Father and the minor were still residing in Holbrook.

37. On January 21, 2021, the court held a status conference and again admonished Father for his non-compliance with the court orders including he and the minor still residing in Holbrook without court approval (and contrary to his prior statements) and failing to secure appropriate mental health services for the minor.

38. In his response to the State Bar, Father states "(Father) listened carefully to Judge Nicholls at the September 2020 and January 2021 status conferences and was stunned that the focus was on him rather than the exhaustive effort he made to ensure his son saw his mother and to ensure the well-being of his

son...(Father) believes that the Court did not recognize the practical difficulty in bringing his living situation into compliance after the fact.”

39. On April 21, 2021, Father filed a Separate Pretrial Statement identifying his address as 500 E. Iowa St. Holbrook, AZ 86025 and his second wife’s address as 5758 W T Ryan Ln., Laveen AZ 85339.

40. On April 23, 2021, Mother filed a Pretrial Statement through counsel identifying the facts and circumstances supporting their allegation that Father has been in constant violation of A.R.S. § 25-408 and court orders since May or June 2020.

41. On May 7, 2021, the court held an evidentiary hearing and Father provided testimony regarding his residency during the applicable time.

42. While Father admitted to moving to Holbrook with the minor on June 7, 2020 and continuing to reside there as of the date of the hearing, Father maintained that the move was just “temporary”. Father refused to answer questions on cross-examination about whether he was actually living at the Laveen Home at the time that he filed the June 10, 2020 Updated Address Form.

43. While Father claims that he attempted to obtain alternate housing in Maricopa County during the pendency of the second divorce, Father and the minor child physically lived in Holbrook between May 2020 and June 25, 2021.

44. On July 14, 2021, the court issued a ruling finding, in pertinent part, the following:

“...The Court finds Father is more focused on exerting power and control over Mother and the Child than he is in ensuring there is a unified co-parenting relationship and that the needs of the Child are being met. This was also demonstrated by Father’s complete disregard for this Court’s order regarding relocating outside of a 100 mile radius from his home in Maricopa County and multiple admonitions regarding his lack of candor to this Court and inappropriate relocation of the Child to Holbrook, Arizona without legal authority...”

* * *

“...Father surreptitiously moved with the Child to Holbrook, Arizona – three (3) hours away from Mother and more than 100 miles away from his home in Maricopa County, Arizona – without the Court’s knowledge or permission and while the Court had taken the issue of temporary orders under advisement. Even after the Temporary Orders were issued on June 16, 2020, Father failed to inform the Court that he had moved to Holbrook – even temporarily as he has alleged – which directly factored into the Court’s best interest analysis for the Child’s parenting time. Moreover, Father actively filed an *Update Information on Mailing Address* on June 10, 2020 (6 days prior to the filing of the Temporary Orders and 14 days after the Temporary Orders Evidentiary Hearing) representing that he lived at 5758 W T Ryan Ln., Laveen AZ 85339. The Court only learned of Father’s move to Holbrook upon receipt of the Parenting Conference Report in September 2020.

At the September 23, 2020 Status Conference to discuss the Parenting Conference Report (*see* Exhibit 19), the Court questioned Father and his counsel

at the time about the report that Father was residing in Holbrook with the Child. Father's counsel appeared surprised by the information and had no answer, directing Father to respond to the Court. Father represented to the Court that he was just visiting Paternal Grandfather in Holbrook and would return back to the Phoenix area with the Child no later than October 1, 2020. The Court admonished Father for his lack of candor to the Court and expressed displeasure in the behaviors and allegations that Father had interfered with Mother's parenting time."

* * *

"...However, yet again the Court discovered Father still had not returned to the Maricopa County area despite his prior representations to the Court when the CAA lodged the Court-Appointed Advisor Report on or about January 17, 2021...The CAA Report indicated that Father unapologetically and without mention of the Court's prior admonitions to him was 'staying in Holbrook with his father...until October 2021.' (*Id.* at 9.) The Court addressed the lack of candor to the Court with Father again at the January 21, 2021 Status Conference...The Court again admonished Father regarding his behavior and reminded him of his ethical obligations as a licensed attorney. (*Id.*) The Court practically begged Father to right his behaviors in order to avoid ethical violations."

* * *

"The Court finds Father has knowingly and willfully chosen to violate this Court's Temporary Order and multiple admonitions by staying in and residing with the Child in Holbrook, Arizona. The Court further finds Father intentionally misled this Court on at least two (2) occasions to induce this Court to grant him primary residential status, increasing parenting time of the Child and/or to not modify the Temporary Orders to return the Child to Mother."

45. Father states that his second wife never moved out of the Laveen Home and he never moved back into the home.

46. On August 25, 2021, the court granted an award of attorney's fees and costs against Father in the amount of \$6500.00 and ordered payment by September 30, 2021.

47. In a response to the State Bar, Father states that he was unaware of the court's award and therefore did not pay it by September 30, 2021. This award was paid in full by November 2021.

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., ERs 3.3(c) and 8.4(d) and Rule 54(c), Ariz. R. Sup. Ct.

CONDITIONAL DISMISSALS

There are no conditional dismissals.

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 this matter, as set forth above, the following sanctions are

appropriate: Reprimand with Probation for one (1) year, the terms of probation which will consist of:

1. Continuing Legal Education ("CLE"): In addition to annual MCLE requirements, Respondent shall complete the following CLE program(s) within 90 days from the date of service of the Final Judgment and Order:
 - a) *Candor, Courtesy and Confidences* and
 - b) *Wait Wait – Don't Lawyer Me.*

Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

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

NON-COMPLIANCE WITH PROBATION

If Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, 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 Respondent breached a term of probation and, if so, to recommend an appropriate sanction. If the State Bar alleges 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.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

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 *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

Rule 42, Ariz. R. Sup. Ct., ER 3.4(c) & Rule 54(c):

Standard 6.23

Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

Rule 42, Ariz. R. Sup. Ct., ER 8.4(d):

Standard 6.13

Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false statements or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

The duty violated

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

The lawyer's mental state

Respondent was negligent in determining whether his statements and documents regarding his residency were false statements and failed to comply with a court order or rule, both of which were prejudicial to the administration of justice and in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

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

Aggravating and mitigating circumstances

The presumptive sanction is Reprimand with Probation.

The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In mitigation:

- a) 9.32(a) absence of a prior disciplinary record.

Discussion

The parties conditionally agree that upon application of the aggravating and mitigating factors the presumptive sanction is appropriate.

The parties conditionally agree that a greater or lesser sanction is not appropriate. This agreement is based on the following:

While Respondent co-owned the Laveen Home at all times pertinent, he and his son did not physically live at the Home during the contested custody battle involving one of Respondent's sons. While Respondent admits that his statements were incomplete and therefore misleading, Respondent believed that his pleadings coupled with his statements to the court made his statement technically sound.

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 Reprimand with Probation and the imposition of costs and expenses.

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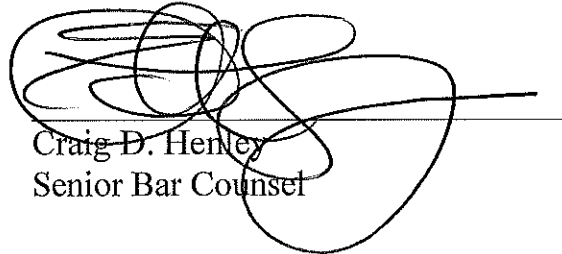
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A proposed form of order is attached hereto as Exhibit B.

DATED this 13th day of December 2021.

STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 13th day of December, 2021.

Andrew Miles Maestas

Miles Maestas
Respondent

DATED this 10th day of December, 2021.

Lewis Brisbois Bisgaard & Smith LLP

Jessie Beckwith

Jessica L. Beckwith
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 13th day of December, 2021.

Copy of the foregoing emailed
this 13th day of December, 2021, to:

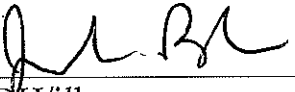
The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
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Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 13th day of December, 2021, to:

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Email: jessica.beckwith@lewisbrisbois.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 13th day of December, 2021, to:

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

by: 

CDH/jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Miles Maestas, Bar No. 024464, Respondent

File No. 21-1639

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

Total for additional costs \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**MILES MAESTAS,
Bar No. 024464,**

PDJ

**FINAL JUDGMENT AND
ORDER**

State Bar No. 21-1639

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, Miles Maestas, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent is placed on probation for a period of one (1) year. The terms of probation are:

1. Continuing Legal Education ("CLE"): In addition to annual MCLE requirements, Respondent shall complete the following CLE programs

within 90 days from the date of service of the Final Judgment and Order:

a) *Candor, Courtesy and Confidences* and

b) *Wait Wait – Don't Lawyer Me.*

Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes and certificate of completion. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence.

Respondent will be responsible for the cost of the CLE.

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

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 December, 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 December, 2021.

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

Jessica L. Beckwith
Lewis Brisbois Bisgaard & Smith LLP
2929 N. Central Avenue, Suite 1700
Phoenix Plaza Tower II
Phoenix, AZ 85012-2761
Email: jessica.beckwith@lewisbrisbois.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this ____ day of December, 2021, to:

Craig D. Henley
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 December, 2021 to:

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

by: _____