

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**LESLIE MARTINEZ,
Bar No. 022581**

Respondent.

PDJ 2020-9121

**FINAL JUDGMENT AND
ORDER**

State Bar No. 20-0295

FILED FEBRUARY 12, 2021

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

Accordingly:

IT IS ORDERED Respondent, **LESLIE MARTINEZ, Bar No. 022581**, is suspended for six (6) months and one (1) day for her conduct in violation of the 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 pursuant to Rule 72 Ariz. R. Sup. Ct., Ms. Martinez shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED Ms. Martinez 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 Office of the Presiding Disciplinary Judge's Office in these proceedings.

DATED this 12th day of February 2021.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing were emailed this 12th day of February, 2021, to:

Leslie Martinez
1001 West Calle Del Vencejo
Green Valley, Arizona 85622-3233
Email: robles1219@hotmail.com
Respondent

Bradley F. Perry
Staff 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,
LESLIE MARTINEZ,
Bar No. 022581**

Respondent.

PDJ 2020-9121

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar No. 20-0295]

FILED FEBRUARY 12, 2021

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent was filed on February 3, 2021. A Probable Cause Order issued on December 9, 2020 and the formal complaint was filed on December 17, 2020. The State Bar of Arizona is represented by Bradley F. Perry. Ms. Martinez is self-represented.

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 proceeding. Ms. Martinez 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

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

proposed form of discipline. The State Bar is the Complainant in this matter therefore notice to the complainant and an opportunity to object under Rule 53(b)(3) is not needed.

For purposes of the Agreement, the parties stipulate Ms. Martinez is licensed in both Arizona and Oregon. She represented a client in a civil partition matter. Client paid Ms. Martinez a \$100 consultation fee and a \$2,000 advance fee. Ms. Martinez deposited the funds directly into her business account instead of her client trust account and converted those unearned funds. Ms. Martinez failed to appear at trial, failed to explain the terms of the ultimate settlement to the client, and failed to memorialize the settlement agreement in writing as ordered by the court.

In a second matter, Ms. Martinez was hired in 2017 to represent a client in a child support matter. Client paid Ms. Martinez a \$1500 advanced payment which she deposited into business account instead of her client trust account and converted. Ms. Martinez failed to perform any legal services on behalf of the client which resulted in a judgment being imposed against the client. She closed her firm in April 2017 without notifying her client.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Ms. Martinez admits she violated Oregon's Rules of Professional Conduct (RPC) 1.3 (diligence), 1.4(a) and (b) (communication), 1.15-1(a) and (c) (safekeeping property), 1.16(a) and (d) (declining or terminating

representation), and 8.4(a)(3) (misconduct). As a sanction, the parties agree to a 6 month and one day suspension and the payment of costs within 30 days.

The parties stipulate Ms. Martinez violated her duties to clients which caused actual harm to the clients. The presumptive sanction is suspension under ABA *Standards 4.12 Failure to Preserve the Client's Property* and *Standard 4.42, Lack of Diligence*. The parties further stipulate to the presence of aggravating factor 9.22(d) multiple offenses and mitigating factor 9.32(c) personal or emotional problems.

IT IS ORDERED accepting the Agreement and incorporating it with any supporting documents by this reference. A final judgment and order is signed this date.

DATED this 12th day of February 2021.

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

COPY of the foregoing e-mailed
on this 12th day of February 2021 to:

Leslie Martinez
1001 West Calle Del Vencejo
Green Valley, Arizona 85622-3233
Email: robles1219@hotmail.com
Respondent

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

by: SHunt

Bradley F. Perry, Bar No. 025682
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7247
Email: LRO@staff.azbar.org

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**LESLIE MARTINEZ,
Bar No. 022581,**

Respondent.

PDJ 2020-9121

COMPLAINT

[State Bar No. 20-0295]

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 24, 2003.

2. At All times relevant, Respondent was a lawyer also licensed to practice in Oregon. The conduct outlined in this Complaint occurred in Oregon and concerns Oregon clients.

3. On or about October 19, 2019, Respondent resigned from the practice of law in Oregon in lieu of discipline. Respondent resigned from the practice of law in Oregon using a “Form B Resignation.” Respondent acknowledged formal complaints against her in Oregon SBA Nos. 19-05 (Vazquez) and 19-06 (Sanchez) and indicated her desire not to “contest or defend against” the allegations. According to the resignation form, future application for reinstatement is barred by Oregon Rules of Bar Procedure (BR) 9.4. However, if Respondent is ever allowed to apply for reinstatement, she will be considered a disbarred attorney.

4. The Oregon State Bar then forwarded the allegations to Arizona for consideration.

5. A lawyer admitted to practice in Arizona is subject to Arizona’s disciplinary authority regardless of where the lawyer’s conduct occurred.

6. The Oregon Rules of Professional Conduct (RPC) are drawn from the model ABA rules and are very similar to the corresponding rules in Arizona. However, because the conduct occurred in Oregon and concerns Oregon clients, the

Bar must proceed using Oregon RPCs instead of the Arizona Rules of Professional Responsibility.

COUNT ONE (File No. 20-0295/Arizona)

The Sanchez Matter

7. Respondent represented Omar Sanchez Ortiz and Margarito Sanchez Escutia (collectively, “Client Sanchez”) in a civil partition matter.

8. Client Sanchez paid a \$100.00 consultation fee and a \$2,000.00 advanced fee, which was to be billed against at \$195.00 per hour. Respondent deposited the funds directly into her business account, rather than into her IOLTA as required.

9. Respondent thereby converted the entirety of Client Sanchez’s fee as she had not yet performed work sufficient to earn the \$2,000.00.

10. Respondent later failed to appear at the January 12, 2017, trial and failed to inform her clients of her impending absence.

11. Trial was reset to March 8, 2017. Respondent attended the hearing as required and helped negotiate a settlement on the same day.

12. However, Respondent failed to adequately explain the terms of the settlement to Client Sanchez, resulting in Client Sanchez agreeing to property value \$54,000.00 less than they believed the property to be worth.

13. The Court ordered Respondent to memorialize the agreement in writing, but Respondent failed to do so.

14. Client Sanchez hired new counsel in April 2017. Thereafter, Client Sanchez requested an accounting of work performed by Respondent. Respondent did not provide the accounting until approximately one year later.

15. Subsequent counsel was able to re-negotiate the settlement to include Client Sanchez's requested property price.

16. Respondent's conduct in the Sanchez matter violated Oregon RPCs 1.3, 1.4(a) and (b), 1.15-1(a) and (c), 1.16(a) and (d), and 8.4(a)(3).

The Vasquez Matter

17. Ernest Martinez-Vazquez hired Respondent on or about February 7, 2017, to represent him in a child support matter.

18. Client Vazquez paid a \$1,500.00 retainer that was to be billed against at the rate of \$195/hr.

19. Respondent deposited the funds directly into her business account, rather than into her IOLTA as required. Respondent thereby converted the entirety of the fee as she had not yet performed work sufficient to earn the \$1,500.00 advance payment.

20. Respondent failed to file anything on Mr. Vasquez's behalf. Respondent's failure led to a default judgment being entered against Mr. Vasquez.

21. Respondent closed her law office in April 2017 without notifying Mr. Vasquez that she was doing so. Respondent kept Mr. Vasquez's advanced fee despite having not filed a petition on his behalf.

22. Respondent refunded Mr. Vasquez's fees in March 2018 only after being told to do so by the Oregon State Bar.

23. Respondent's conduct in the Vasquez matter violated Oregon RPCs 1.3, 1.4(a) and (b), 1.15-1(a) and (c), 1.16(a) and (d), and 8.4(a)(3).

DATED this 17th day of December, 2020.

STATE BAR OF ARIZONA

/s/ Bradley F. Perry
Bradley F. Perry
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 17th day of December, 2020.

by: /s/ Sharon Berkley
BFP:sab

Filed
December 9, 2020
/s/ Sandra Montoya

**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

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

**LESLIE MARTINEZ,
Bar No. 022581,**

Respondent.

No. 20-0295

PROBABLE CAUSE ORDER

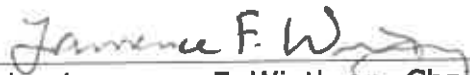
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 4, 2020, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 20-0295.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 8 day of December, 2020.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

Original filed this 9th day
of December, 2020, with:

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

Copies were emailed this 9th day
of December, 2020, to:

Leslie Martinez
1001 West Calle Del Vencejo
Green Valley, Arizona 85622-3233
Email: robles1219@hotmail.com
Respondent

Attorney Discipline Probable Cause Committee
Of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

By: /s/ Sharon Berkley ←