

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GREGORY J. MEELL,
Bar No. 012526

Respondent.

PDJ 2021-9053

FINAL JUDGMENT AND ORDER

[State Bar No. 20-1101]

FILED NOVEMBER 18, 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, **GREGORY J. MEELL, Bar No. 012526**, 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 year under the following terms:

1. Continuing legal education ("CLE"): In addition to annual MCLE requirements, Respondent shall complete no less than six hours of CLE program(s) regarding professionalism and/or fairness to the opposing party & their counsel (*i.e.* Zealous Advocate or Raging Bull, Braving the Storm, Dealing with Difficult People, Minding Your Mind During a Difficult Time, or similar course approved by the State Bar) within one year from the date of service of this

- order. 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.
2. Counseling: Respondent is currently undergoing counseling with Ron Fritz, LADAC, on a volunteer basis. While not mandated by this agreement, Respondent agrees to continue his counseling sessions with Fritz, as deemed necessary by Respondent or Fritz. If counseling is terminated by Respondent or Fritz, Respondent shall provide the Compliance Monitor with written verification of the termination of the counseling sessions.
 3. 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, 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 18th day of November, 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copies of the foregoing emailed
this 18th day of November, 2021 to:

Gregory J. Meell
Abram & Meell PA
2020 N. Central Avenue, Suite 690
Phoenix, AZ 85004-0915
Email: gmeell@abrammeell.com
Respondent

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

by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GREGORY J. MEELL,
Bar No. 012526

Respondent.

PDJ 2021-9053

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar No. 20-1101]

FILED NOVEMBER 18, 2021

On November 15, 2021, the parties filed an Agreement for Discipline by Consent (“Agreement”) pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar is represented by Craig D. Henley, and Respondent Gregory J. Meell is self-represented. A probable cause order issued on June 17, 2021, and the formal complaint was filed June 30, 2021.

Contingent on approval of the proposed form of discipline, Mr. Meell 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 on November 8, 2021. No objection has been received.

The Agreement details a factual basis to support the conditional admissions and is incorporated by reference. *See* Rule 57(a)(4). Mr. Meell admits that he violated former Rule 41(g), Ariz. R. Sup. Ct., and Rule 42, ERs 3.1 (meritorious claims and contentions), and 8.4(d) (conduct prejudicial to the administration of justice). As a sanction, the parties agree to a reprimand, one year of probation, and the payment of costs to the State Bar.

Mr. Meell represented a client in a criminal matter. During the representation, the court found that he filed unmeritorious pleadings that were unprofessional, and inappropriate, including demeaning language and ad hominem attacks on opposing counsel.

Based on the conditional admissions, the parties agree that the presumptive sanction under the ABA Standards for Imposing Lawyer Sanctions is reprimand under § 6.13 (False Statements, Fraud, and Misrepresentations), 6.23 (Abuse of the Legal System), and 7.3 (Violations of Other Duties Owed as a Professional). Respondent violated duties owed to the profession and the legal system, resulting in actual harm. The parties stipulate to the existence of aggravating factors 9.22(a) (prior disciplinary offenses) and 9.22(i) (substantial experience in the practice of law). They further stipulate to the existence of mitigating factors 9.32(b) (absence of selfish or dishonest motive), 9.32(e) (full and free disclosure to disciplinary board or cooperative attitude toward proceedings), and 9.32(l) remorse.

Upon consideration of the aggravating and mitigating factors, the parties agree that a reprimand and probation is the appropriate sanction. The PDJ concurs.

IT IS THEREFORE ORDERED accepting the Agreement for Discipline by Consent.

A final judgment and order is signed this date.

DATED this 18th day of November 2021.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

COPY of the foregoing e-mailed
this 18th day of November 2021 to:

Craig D. Henley
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6288
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Respondent

by: SHunt

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Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GREGORY J. MEELL,
Bar No. 012526,**

Respondent.

PDJ 2021-9053

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File No. 20-1101

The State Bar of Arizona, and Respondent Gregory J. Meell, who is representing himself, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

A probable cause order was entered on June 17, 2021 and a formal complaint was filed June 30, 2021. 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(s) by letter dated November 8, 2021. Complainant(s) have 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 Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 41(g), Ariz. R. Sup. Ct. ¹, Rule 42, Ariz. R. Sup. Ct., ERs 3.1 and 8.4(d).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline:

¹ Effective 1/1/2021, now cited as Rule 41(b)(7), Ariz. R. Sup. Ct.

Reprimand with 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.²

The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the State of Arizona having been first admitted on May 20, 1989.

COUNT ONE (File No. 20-1101/ Marshall & Judicial Referral)

2. On January 8, 2020, the State of Arizona filed an indictment initiating the Maricopa County Superior Court case of *State v. John Dallas Spaulding*, CR2020-001130. Spaulding was charged with seven counts of sexual conduct

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.

involving two minor victims under the age of fifteen. The Indictment identifies two alleged minor victims as “VICTIM A” and “VICTIM B”.

3. The State also contemporaneously filed a notification to the Clerk of Court pursuant to Rule 2.3, Ariz. R. Crim. Pro.

4. On February 4, 2020, Respondent entered a Notice of Appearance on behalf of “Father John Dallas Spaulding”.

5. In all of Respondent’s subsequently filed pleadings, he unilaterally styled the case “*State of Arizona v. Father John Dallas Spaulding*”.

6. While the arraignment was originally scheduled for February 7, 2020, it was continued to March 6, 2020.

7. On February 18, 2020, Respondent provided the State with a draft subpoena duces tecum to the Roman Catholic Diocese of Phoenix requesting documents and information regarding Victim A.

8. On February 22, 2020, Respondent filed a Motion to Dismiss or alternatively, a Motion for More Definite Statement claiming, in pertinent part, that the Indictment lacked specificity regarding the identity of the victims or the dates, locations and nature of the alleged offenses. The motion also recites conversations between Respondent and various state officials regarding a press conference about

the case. The requested relief included a dismissal of the indictment with prejudice or alternatively without prejudice with an order requiring additional specificity and that “[a]n award be entered in favor of Fr. Jack and against the State to the extent allowed by law”.

9. On February 24, 2020, Respondent filed a Motion to Compel State’s Disclosure again complaining of the Indictment’s lack of specificity and claiming that the pre-arraignment disclosures were needed due to Spaulding’s failing health. In addition to the pre-arraignment disclosure, the motion requested “an award in favor of Fr. Jack and against the State for attorney fees incurred in resolving this matter”.

10. Respondent also contemporaneously filed a pleading entitled “Unopposed Motion for Expedited Order for Immeidate (sic) Release to Defendant of the Grand Jury Transcripts and Evidence.” The pleading indicated that time was of the essence again citing the “vagaries” of the indictment and Spaulding’s failing health.

11. On February 24, 2020, the State filed a pleading entitled “Motion to Prohibit Defendant or his Counsel from Public Release of the Victims’ Identities/Require Compliance with Rule 15.4. The motion cites Rule 15.4(d),

Ariz. R. Crim. Pro. and the Arizona Constitution 2.1 § 22 as legal support and an e-mail conversation between Respondent and the State's attorney as a factual basis.

12. The motion then explains, in pertinent part, that after supplying Respondent with the applicable Supreme Court Rule and Rule of Criminal Procedure, the State received the following response from Respondent:

“Those statutes and rules apply to access to the electronic access to the Court case records. They say nothing about referring to the alleged victims with alternate identifiers. Do you believe there is any legal authority that prohibits us from disclosing the accurate identity of the alleged victims?”

13. The motion continues by stating:

“...I asked defense counsel to whom he wished he disclose the victims' identities. I received the response from (Respondent) that he wanted to be able to 'disclos[e] without limitation to any person or any entity.’”

14. The motion further states that in an e-mail exchange between Respondent and a MCAO assistant, the assistant noticed that one of Respondent's responsive e-mails added a Channel 12 News reporter.

15. When asked why Respondent added a reporter in the e-mail exchange, Respondent replied:

“I did not realize that it was. In preparing my reply email to you I simply selected the Reply icon above your email. I did actively add Ms. Buono as an addressee. I do not know why or how Ms. Buono became an addressee.”

16. On February 25, 2020, Respondent initiated the Maricopa County Superior Court civil case of *John "Jack" Spaulding v. Diocese of Phoenix, et. al.*

17. The parties were identified as Victim A and his parents, by unredacted name, Bishop Olmstead and Robert Pastor. The complaint also included the minor victim's parents' address.

18. Approximately 12 hours later, Spaulding died.

19. In his response to the State's motion dated February 26, 2020, Respondent states:

"The Motion's reliance on A.R.Crim.P. 15.4(d) and Arizona Constitution 2.1 § 22 is misplaced. Not only do they present no prohibition, they in fact allow the disclosure at issue...The Motion sadly obligates this attorney to report its grave legal and ethical improprieties to the Court the. (sic) Not the least of which is the State's false, unethical and unprofessional claims that:

- (i) "Defense counsel, in fact, appears to be very interested in trying this case in the media." and
- (ii) "The only possible reason to want unfettered ability to disclose them 'without limitation' would be to harass them and subject them to ridicule." (Emphasis added)."

20. Respondent previously provided MCAO with 48 pages of emails and letters that Respondent intended to use in relation to preparing a defense.

21. After claiming that "Fr. Jack has the constitutional right to conduct investigations reasonably suited to preparing his defense, just as the State availed

itself of identifying Fr. Jack and calling out potential witnesses on television broadcast news and print media. Fr. Jack's ability to do this requires that his counsel confirm to witnesses and information sources the identity of the parties that are the subject of the inquiries", Respondent requests the following relief:

- A. An Order denying the State's Motion;
- B. An Order that the identity information may be disclosed;
- C. An Order imposing the appropriate consequences for violations of Rule of the Supreme Court of Arizona 42 (Ethical Rules 3.3, 3.4(a) and (d), 8.4(a), 8.4(c) and 8.4(d)) Directing (sic) that the State immediately provide his counsel with all of the information delineated in A.R.Crim.P. 15.1(a) and (b);
- D. Entering an award in favor of Fr. Jack and against the State for the attorney fees incurred in resolving, what is, a simple discovery matter;
- E. Take appropriate actions regarding Rule of the Supreme Court of Arizona 42 (Ethical Rules 3.3, 3.4(a) and (d), 8.2 and 8.4(a), 8.4(c) and 8.4(d)); and
- F. Imposing all appropriate sanctions under the law."

22. In their reply to the motion to prohibit filed March 3rd, the State cites Rule 15.1(a)(2), Ariz. R. Crim. P. which states:

- (a) Initial Disclosures in a Felony Case.** Unless a local rule provides or the court orders otherwise:
- (1) the State must make available to the defendant all reports containing information identified in (b)(3) and (b)(4) that the charging attorney possessed when the charge was filed; and
 - (2) the State must make these reports available by the preliminary hearing or, if no preliminary hearing is held, the arraignment.

23. On March 6, 2020, the State filed a Response to Respondent's Motion to Dismiss moving the Court to dismiss the criminal action as the defendant was dead.

24. On March 12, 2020, Respondent filed a "Reply Supporting Motion to Dismiss January 8, 2020 Indictment" again stating, in pertinent part, that the Indictment was deficient and:

"The (State's Response) seeks dismissal due to Fr. Jack's untimely death. The State's angling would improperly dodge the insufficiencies of the indictment and deny a ruling on the merits. It would deny Fr. Jack and his family the opportunity to clear his name. It would deny the public in general of a check on improper prosecutorial practices."

25. The pleading requested that the Court:

- A. Enter an Order that the Indictment is dismissed with prejudice;
- B. Enter an Order allowing Fr. Jack to submit a brief on the issue of an award of attorney fees against the State; and
- C. Order such further relief as the Court deems just.

26. On March 13, 2020, Respondent filed a "Reply Supporting Motion to Compel State's Disclosure" asserting that "Time Remains of The Essence." (Emphasis in Original)

27. In the pleading, Respondent states the following:

- "1. It distresses undersigned counsel to report that the State's Response to the MTC (the RMTC" (sic)) commits two patently false,

and material, misrepresentation (sic) to the Court. First, its first paragraph falsely states:

...the State's duty to provide discovery begins upon the defendant being arraigned, which never took place, the State requests that this Court deny defendant's motion.

2. This materially mistaken character of this statement is so vast that undersigned counsel at first thought it to be a misstep or inartful wording that the body of the RMTC would be correct. That was not to be.

3. For, the very first statement in its Section II "Rules" the RMTC states that "[u]nder Rule 15.1(a)(2), Ariz. R. Crim. Pro., the State's duty to provide discovery begins on the date of arraignment."...The materiality, breadth and repletion of this material misrepresentation, and its being conveyed by a Senior Prosecutor, is gravely concerning.

4. *The arraignment date is most certainly not the date that the disclosure obligation begins. The date of the arraignment is the deadline for the completion of that minimal and fundamental obligation."*

28. After defining terms such as "must" and "by", "Fr. Jack Spaulding"

requests that the Court:

- A. Enter an Order directing that the State immediately provide his counsel with all of the information delineated in A.R.Crim.P. 15.1(a) and (b);
- B. Enter an Order providing an award in favor of Fr. Jack and against the State for the attorney fees incurred in resolving this matter; and
- C. Imposing all appropriate sanctions under the law.

29. On March 18, 2020, the Court denied Respondent's motions and granted the State's motion finding, among other things, that:

“Defendant requests that this Court dismiss an indictment against a now deceased person. The stated reason for this unprecedented request is that the Defendant's family has an interest in clearing the Defendant's good name. Additionally, the Defendant argues that this Court should act as a sort of police over an overzealous County Attorney's Office. Neither position has merit...In essence, the problem is one of mootness.

* * *

Consistent with the arguments raised in the Motion to Dismiss, Defendant requests discovery from the State...Defendant's arguments fail for the same basic reason articulated above.

Rule 15 of the Arizona Rules of Criminal Procedure provides for mandatory discovery primarily so that undue delay and surprise may be avoided at trial by both sides...This case will not be going to trial for the obvious reason that Defendant is deceased. The purpose of discovery in a criminal case is not to provide a basis to make a defamation claim or bar complaint against opposing counsel. Its purpose is likewise not to posthumously prove innocence. The Court's docket is already full of cases that actually have a justiciable controversy. The Court will not have its time taken up with discovery whose aim is to provide information outside the context of *this* case, which is now over.”

30. The Court also denied Respondent's repeated requests for attorney's fees stating, in pertinent part, “Defendant's attorney has not cited to the Court any basis to award fees against the State in this context, and the Court is unaware of any such authority.”

31. After Respondent stated that he does not oppose the State's motion to prohibit disclosure of the victims' identity, the Court granted the motion but noted that:

“All of this bickering and recriminations between counsel have one thing in common; none of it bears and (sic) whether victims' rights or procedural rules mandated the granting of the motion. Such personal attacks are unprofessional and inappropriate. Demeaning language and *ad hominem* attacks have no place in the justice system...”

32. Later, the Court set an order to show cause hearing as to whether Respondent should be sanctioned for his “improper rhetoric and unacceptable personal attacks.”

33. The Court also stated that “the personal rancor and angry and abrasive conduct of Defendant's conduct was not justified, and was and is detrimental to the orderly administration of justice.”

34. On August 7, 2020, the Court held the order to show cause hearing. Immediately beforehand, Respondent filed a pleading entitled “Defendant's Counsel's Hearing Memorandum for Augsut (sic) 17, 2020 Hearing” wherein he repeated a number of his prior accusations regarding the State's attorney.

35. On August 12, 2020, the Court issued a ruling finding, among other things that:

“Throughout the brief history of this case Defendant’s counsel Mr. Meell acted in an uber aggressive manner.

* * *

(After a discussion of the applicability of Rule 15, Ariz. R. Crim. P. as the Defendant was not arraigned prior to his death)

Nevertheless, Mr. Meell made a personal attack on the assigned Deputy County Attorney (“DCA”) in the Reply on this issue, stating that the assigned DCA had made ‘patently false’ misrepresentations to the Court. Mr. Meell termed the conduct (of not providing something not even due yet) as ‘obstructionist’ and re-iterated the request for fees and other sanctions, again without providing a basis for an award. This request and the accompanying statements were devoid of merit both factually and legally.

* * *

Rather, the Court’s concerns are primarily the inflammatory attacks on the assigned DCA in the Response to the State’s Motion regarding release of victim identifier information...The issue of disclosing the identity of a Victim at the time of the alleged offense should not have been a controversial issue. *See* Rule 15.4(d) and Rule 2.3 of the Arizona Rules of Criminal Procedure; A.R.S. § 13-4434.

* * *

Mr. Meell’s hypersensitivity to a perceived slight caused him to respond to the State’s Motion in an unacceptably antagonistic fashion. This indignant attack did nothing to help the Court decide what was a straightforward legal issue. It simply caused the Court to expend time unnecessarily wading through a petulant diatribe...

* * *

THE COURT FINDS that the conduct of Mr. Meell referenced above was prejudicial to the administration of justice and violated ER 3.1 and 8.4(d) of the Arizona Rules of Professional Conduct.”

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 41(g), Ariz. R. Sup. Ct. and Rule 42, Ariz. R. Sup. Ct., ERs 3.1 and 8.4(d).

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 no less than six (6) hours of CLE program(s) regarding professionalism and/or fairness to the opposing party & their counsel (*i.e.* Zealous Advocate or Raging Bull, Braving the Storm, Dealing with Difficult People, Minding Your Mind During a Difficult Time, or similar course approved by the State Bar) within one (1) year from the date of service of this Order.

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.

2. COUNSELING: Respondent is currently undergoing counseling with Ron Fritz, LADAC, on a volunteer basis. While not mandated by this agreement, Respondent agrees to continue his counseling sessions with Fritz, as deemed necessary by Respondent or Fritz. If counseling is

terminated by Respondent or Fritz, Respondent shall provide the CM with written verification of the termination of the counseling sessions.

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 41(g), Ariz. R. Sup. Ct.

Standard 7.3

Reprimand is generally appropriate when a lawyer negligently 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.

Rule 42, Ariz. R. Sup. Ct., ER 3.1:

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 negligently engaged in unprofessional conduct and failed to comply with the requirements of meritorious litigation and administration of justice was 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. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

1. *Standard* 9.22(a) prior disciplinary offenses.
 - *In re: Gregory J. Meell*, PDJ 2020-9033 [SB19-0960 and 19-1447] (2020): Respondent received a reprimand with probation for violating Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) by making incomplete statements to the court regarding the nature and extent of his prior representation of a client.
 - SB18-1449-N (2018): Respondent violated his probation terms by, among other things, missing scheduled alcohol tests pursuant to Rule 54(e), Ariz. R. Sup. Ct. which resulted in a two-year extension of his probation term.
 - SB17-1608-N (2017): Respondent violated his probation terms by a positive scheduled alcohol test resulting in the imposition of a reprimand and two-year extension of his probation term.
 - SB15-2225 (2016): Respondent was admonished for violating Rule 42, Ariz. R. Sup. Ct., ER 8.4(b) for pleading guilty to Extreme Driving Under the Influence.
2. *Standard* 9.22(i) substantial experience in the practice of law. [Respondent has been an Arizona attorney for 32 years.]

In mitigation:

1. *Standard* 9.32(b) absence of a dishonest or selfish motive.

2. *Standard 9.32 (e)* full and free disclosure to the disciplinary board.
3. *Standard 9.32(1)* remorse [as demonstrated by Respondent's in-court apology to opposing counsel and the court and voluntary counseling].

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:

Throughout the discipline case, Respondent has acknowledged that his perception of opposing counsel's actions caused his overzealousness in the underlying criminal case. By seeking sanctions against MCAO in his pleadings, Respondent understands that his statements and actions did not comport with his ethical obligations as set forth by the Rules of Professional Conduct, the Oath of Admission and the Lawyer's Creed of Professionalism.

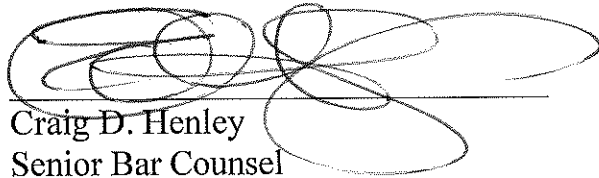
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

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

DATED this 15th day of November 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 _____ day of November, 2021.

Gregory J. Meell
Respondent

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

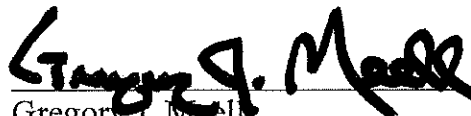
DATED this _____ day of November 2021.

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 15th day of November, 2021.



Gregory J. Meeli
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 15th day of November, 2021.

Copy of the foregoing emailed
this 15th day of November, 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 mailed/emailed
this 15th day of November, 2021, to:

Gregory J. Meell
Abram & Meell PA
2020 N. Central Avenue, Suite 690
Phoenix, AZ 85004-0915
Email: gmeell@abrammeell.com
Respondent

Copy of the foregoing hand-delivered
this 15th day of November, 2021, to:

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

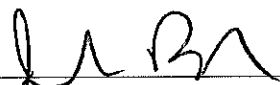
by: 
CDH/jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Gregory J. Meell, Bar No. 012526, Respondent

File No. 20-1101

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,**

**GREGORY J. MEELL,
Bar No. 012526,**

PDJ 2021-9053

**FINAL JUDGMENT AND
ORDER**

State Bar No. 20-1101

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, Gregory J. Meell, 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 also placed on probation for a period of one (1) year. The terms of probation are of:

1. CONTINUING LEGAL EDUCATION ("CLE"): In addition to annual MCLE requirements, Respondent shall complete no less than six (6) hours of CLE program(s) regarding professionalism and/or fairness to the

opposing party & their counsel (*i.e.* Zealous Advocate or Raging Bull, Braving the Storm, Dealing with Difficult People, Minding Your Mind During a Difficult Time, or similar course approved by the State Bar) within one (1) year from the date of service of this Order.

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.

2. COUNSELING: Respondent is currently undergoing counseling with Ron Fritz, LADAC, on a volunteer basis. While not mandated by this agreement, Respondent agrees to continue his counseling sessions with Fritz, as deemed necessary by Respondent or Fritz. If counseling is terminated by Respondent or Fritz, Respondent shall provide the CM with written verification of the termination of the counseling sessions.

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 November, 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 November, 2021.

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

Gregory J. Meell
Abram & Meell PA
2020 N. Central Avenue, Suite 690
Phoenix, AZ 85004-0915
Email: gmeell@abrammeell.com
Respondent

Copy of the foregoing emailed/hand-delivered
this ____ day of November, 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

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this ____ day of November, 2021 to:

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Phoenix, Arizona 85016-6266

by: _____