

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**MATTHEW A. RITTER,
Bar No. 018586**

Respondent.

PDJ 2020-9067

**FINAL JUDGMENT AND
ORDER**

State Bar No. 20-0466

FILED JANUARY 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, **MATTHEW A. RITTER, Bar No. 018586** is admonished for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED Respondent 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 Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 12th day of January, 2021.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

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

Kelly J. Flood
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Matthew A. Ritter
Ritter Law Group LLC
PO BOX 2943
250 N. Main Street
Florence, Arizona 85132-3055
Email: ritterlawgroup@gmail.com

by: MSmith

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MATTHEW A. RITTER,
Bar No. 018586

Respondent.

PDJ 2020-9067

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar No. 20-0466]

FILED JANUARY 12, 2021

Under Rule 57(a), Ariz. R. Sup. Ct., an Agreement for Discipline by Consent (“Agreement”), was filed on December 28, 2020. A Probable Cause Order issued on August 5, 2020 and the complaint was filed on August 11, 2020. The State Bar of Arizona is represented by Bar Counsel Kelly J. Flood. Mr. Ritter 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 If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Mr. Ritter 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 proposed form of discipline.

Notice of the Agreement was sent to Complainant by letter on December 28, 2020. No objection has been filed. The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference and accepted.

Mr. Ritter admits he violated Rule 42, ERs 1.2 (scope of representation) 1.3 (diligence) and 1.4 (communication) by failing to communicate with his client after being appointed as Rule 32 counsel regarding the client's objectives. The parties stipulate to an admonition and the payment of costs of \$1,200.00 within 30 days from this Order. If costs are not paid within that time the parties stipulate that sum will accrue interest at the legal rate.

The parties also stipulate that *ABA Standard 4.4, Lack of Diligence* applies given the stipulated facts and circumstances. *Standard 4.44* provides the presumptive sanction is admonition. Respondent violated his duty to his client causing little to no chance of potential harm. The parties agree in aggravation are factors 9.22(a) prior discipline, 9.22(d) multiple offenses, 9.22(h) vulnerability of victim, and 9.22(i), substantial experience in the practice of law. The parties agree there is one mitigating factor, 9.32(e) full and free disclosure to disciplinary board or cooperative attitude.

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

DATED this 12th day of January 2021.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

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

Matthew A. Ritter
Ritter Law Group LLC
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Florence, Arizona 85132-3055
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Respondent

Kelly J. Flood
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by: MSmith

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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**MATTHEW A. RITTER,
Bar No. 018586,**

Respondent.

PDJ 2020-9067

COMPLAINT

[State Bar No. 20-0466]

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 April 22, 2003.

COUNT ONE (File no. 20-0466/Burns)

2. Eric Burns claims that Respondent was appointed for Rule 32 work in June of 2019, but did not communicate with him at all, and never responded to requests to have a legal call. Burns says that his Corrections Officer III (CO III) tried several times to arrange a call, and left several messages for Respondent, but never heard back.

3. Burns received no written communication from Respondent except for a copy of a notice of no colorable claim that Respondent filed in December of 2019. Burns wrote to Respondent on several occasions, but did not receive a response. Additionally, Burns never received a call from Respondent. Burns asserts that he had several issues he wanted to discuss with Respondent about his remaining claims for relief, but Respondent failed to communicate at all.

4. On June 25, 2019, Respondent was appointed as Rule 32 appellate counsel for Burns. Respondent received transcripts in September from a sentencing hearing, and says he then discovered that the trial had been appealed, by Rosemary Panuco. Respondent then contacted Panuco in early October, and she informed him that Burns' conviction had triggered petitions to revoke in two prior criminal convictions.

5. Panuco had handled Burns' prior appeals and Rule 32 petitions, and forwarded voluminous materials to Respondent, including additional transcripts, court files, discovery, appellate briefs, and the like. Panuco filed notices that no colorable claims existed. Panuco and Respondent discussed Burns' issues.

6. Respondent asserts that the materials he reviewed were several hundreds of pages, and it took him until December to review everything. Respondent concluded that no colorable claims existed, and filed a notice to that effect on December 13, 2019. His notice said:

Pursuant to Rule 32.4 (c), Counsels request that this Court issue its Order granting Defendant/Petitioner, ERIC BRANDON BURNS, forty five (45) days from the date the Court receives the instant Notice, in which to file a *pro se* petition. A copy of the file will be sent be sent to Defendant at his discretion should he choose to file a supplemental *pro se* petition.

7. Respondent says he was unaware that Burns requested the file and to submit his own brief until he "was alerted to a Motion" filed by Burns. Respondent therefore asked for additional time for Burns to file a supplemental *pro per* brief, which the Court granted, giving Burns until May 1, 2020 to file something. Respondent says he simultaneously forwarded the file to Burns.

8. Respondent provided no information to the Bar that he ever communicated with Burns except for mailing a notice that no colorable claim existed in December, and forwarding the file later.

9. Respondent violated Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4, 1.15.

DATED this 11th day of August, 2020.

STATE BAR OF ARIZONA

Kelly J. Flood

Kelly J. Flood
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 11th day of August, 2020.

by: *Jennifer Smith*

KJF:js

Attorney Discipline
Probable Cause Committee
of the Supreme Court of Arizona
FILED

AUG 5 2020

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

B. Farmer

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

No. 20-0466

**MATTHEW A. RITTER
Bar No. 018586**

**ORDER VACATING ADMONITION
WITH PROBATION, (LOMAP, LRO
MAP and CLE), AND COSTS**

Respondent.

On July 2, 2020, the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") issued an Order of Admonition with Probation, (LOMAP, LRO MAP and CLE), and Costs to the above-named Respondent for violations of Rule 42, ER 1.2, ER 1.3, and ER 1.4.

PURSUANT TO Rule 55(c)(4)(B), Ariz. R. Sup. Ct. the Respondent filed a Notice of Appeal (the "Notice"). This Notice was filed in a timely manner.

IT IS THEREFORE ORDERED, pursuant to Rule 55, vacating the aforementioned Order of Admonition with Probation, (LOMAP, LRO MAP and CLE), and Costs

IT IS FURTHER ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct. the State Bar shall prepare and file a complaint against the Respondent with the Disciplinary Clerk in File No. 20-0466.

DATED this 5 day of August, 2020

Lawrence F. Winthrop

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

Original filed this 5 day
of August, 2020, with:

Attorney Discipline Probable Cause Committee
Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007

Copy mailed this 5 day
of August, 2020, to:

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by: B. Farmer