

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

---

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

**EDWIN M. GAINES, JR,**  
**Bar No. 007066**

Respondent.

**PDJ 2016-9048**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 15-3016]

**FILED MAY 18, 2016**

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on May 11, 2016, accepted the parties' proposed agreement under Rule 57(a), Ariz. R. Sup. Ct.

Accordingly:

**IT IS ORDERED** Respondent, **Edwin M. Gaines, Jr.**, is reprimanded and placed on probation for two (2) years for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately.

**IT IS FURTHER ORDERED** Mr. Gaines shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from this Order for the Compliance Monitor to develop terms and conditions of participation as outlined in the consent documents, which terms are incorporated by this reference. Mr. Gaines shall be responsible for any costs associated with participation with compliance.

**NON-COMPLIANCE LANGUAGE**

If Mr. Gaines fails to comply with any of the probation terms, the State Bar of Arizona shall file a notice of noncompliance with the Presiding Disciplinary Judge, under Rule 60(a)(5), Ariz. R. Sup. Ct.

The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend a sanction. If there is an allegation 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.

**IT IS FURTHER ORDERED** Mr. Gaines shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00, within thirty (30) days from this Order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

**DATED** this 18th day of May, 2016.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 18th day of May, 2016, to:

Stacy L. Shuman  
Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85016-6266  
Email: lro@staff.azbar.org

Edwin M Gaines, Jr.  
P.O. Box 660  
Sonoita, AZ 85637-0660  
Email: emgaines.eg@gmail.com  
Respondent

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: lro@staff.azbar.org

Compliance Monitor  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

---

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

**EDWIN M. GAINES, JR.,  
Bar No. 007066**

Respondent.

**No. PDJ-2016-9048**

**DECISION AND ORDER  
ACCEPTING DISCIPLINE BY  
CONSENT**

[State Bar File No. 15-3016]

**FILED MAY 18, 2016**

An Agreement for Discipline by Consent (Agreement) was filed on May 11, 2016, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court. The Agreement was reached before the authorization to file a formal complaint. An Order of Probable Cause issued on March 25, 2016. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate".

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.

Under Rule 53(b)(3), no notice of this Agreement is necessary as the State Bar is the complainant.

The Agreement details a factual basis for the admissions to the charge in the Agreement. On September 30, 2015 in file no. CR2015-113808, Mr. Gaines pled

guilty to Aggravated Driving or Actual Physical Control while Under the Influence of Intoxicating Liquor or Drugs, a Class 6 Undesignated Felony. Mr. Gaines conditionally admits he violated Supreme Court Rule 42, ER 8.4(b) (engage in criminal conduct). The parties stipulate to a sanction of reprimand, probation and the payment of costs and expenses of the disciplinary proceeding for \$1,200.00 within thirty (30) days from the final judgment and order.

The parties agree that *Standard 5.1, Failure to Maintain Personal Integrity*, of the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* is most applicable to Mr. Gaines' violation of ER 8.4(b). *Standard 5.12*, suspension is the presumptive sanction and provides:

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

Mr. Gaines conditionally admits he knowingly violated his duty to the profession, legal system and the public by engaging in criminal conduct and his conduct caused actual harm to the profession and potential harm to the public.

The parties agree aggravating factors 9.22(i) substantial experience in the practice of law and 9.22(k) illegal conduct are present in the record. The parties further agree that the following mitigating factors are present and justify a reduction in the presumptive sanction of suspension to reprimand: 9.32(a) absence of prior disciplinary record, 9.32(c) personal or emotional problems, 9.32(e) full and free disclosure to disciplinary Board or cooperative attitude towards proceedings, and 9.32(l) remorse.

The Presiding Disciplinary Judge finds the proposed sanctions of reprimand and probation meet the objectives of attorney discipline. Sufficient evidence has been provided to support factor 9.32(c). The Agreement is therefore accepted.

**IT IS ORDERED** incorporating by this reference the Agreement and any supporting documents by this reference. The agreed upon sanctions are: reprimand, two years of probation with the State Bar's Member Assistance Program (MAP), and the payment of costs and expenses of the disciplinary proceeding for \$1,200.00 to be paid within thirty (30) days from this order.

**IT IS FURTHER ORDERED** the Agreement is accepted. Costs as submitted are approved for \$1,200.00. Now therefore, a final judgment and order is signed this date. Mr. Gaines is reprimanded, placed on probation, and costs are imposed.

**DATED** this 18th day of May, 2016.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 18th day of May, 2016 to:

Stacy L. Shuman  
Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85016-6266  
Email: lro@staff.azbar.org

Edwin M. Gaines, Jr.  
P.O. Box 660  
Sonoita, AZ 85637-0660  
Email: emgaines.eg@gmail.com  
Respondent

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85016-6266  
Email: [lro@staff.azbar.org](mailto:lro@staff.azbar.org)

by: AMcQueen

MAY 11 2016

FILED

BY \_\_\_\_\_

Stacy L. Shuman, Bar No. 018399  
Staff Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602) 340-7386  
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Edwin M. Gaines Jr., Bar No. 007066  
PO Box 660  
Sonoita, AZ 85637-0660  
Telephone 520-237-9263  
Email: [emgaines.eg@gmail.com](mailto:emgaines.eg@gmail.com)  
Respondent

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**EDWIN M. GAINES JR.,  
Bar No. 007066,**

Respondent.

**PDJ 2016 - 9048**

State Bar File Nos. **15-3016**

**AGREEMENT FOR DISCIPLINE BY  
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Edwin M Gaines Jr, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on March 24, 2016, but no formal complaint has been filed in this matter. 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.

The State Bar is the complainant in this matter, therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER 8.4(b). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand and Probation, the terms of which are set forth below. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

## **FACTS**

### **GENERAL ALLEGATIONS**

1. Respondent was licensed to practice law in Arizona on October 17, 1981.

#### **COUNT ONE (File no. 15-3016/ Judicial Referral)**

2. Respondent retired from the active practice of law in 2012 due to certain medical conditions.
3. On July 19, 2014, Respondent was arrested after being pulled over with his then 9-year-old daughter in the car. Blood tests established that Respondent had prescription medication in his system and a blood alcohol content of .145.
4. On September 30, 2015, Respondent plead guilty to Aggravated Driving or Actual Physical Control while Under the Influence of Intoxicating Liquor or Drugs, a Class 6 Undesignated Felony in the Maricopa County Superior Court, case

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<sup>1</sup> 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.

no. CR2015-113808 (the Criminal Case). Respondent had a prior misdemeanor DUI in 2008.

5. On November 3, 2015, Respondent was sentenced to probation for 4 years, 10 days in jail, restitution, fines and fees, and ordered to attend the MADD Victim Impact Panel.

6. As of the date of this agreement, Respondent remains on probation in Santa Cruz County, Arizona and is subject to random drug and alcohol screening.

7. According to the Santa Cruz Adult Probation Department, Respondent is currently compliant with the terms of the criminal probation.

#### **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 his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ER 8.4(b) [Misconduct] [It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.].

#### **CONDITIONAL DISMISSALS**

None.

#### **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 and two (2) years probation, the terms of which shall include participation in the State Bar's Member Assistance Program (MAP), although no MAP assessment shall be required. Within ten (10) days of an order by the Presiding Disciplinary Judge accepting this Agreement, Respondent shall contact the State Bar's Compliance Monitor at (602) 340-7258 and enter into a MAP contract with terms to include the following:

1. Respondent shall comply with the terms of probation in the Criminal Case.
2. If Respondent's criminal probation terminates before the term of probation provided for herein, Respondent shall promptly advise the State Bar's Compliance Monitor and the terms of Respondent's MAP contract shall be amended to provide for random urinalysis drug and alcohol testing for the remainder of the disciplinary probation period.
3. Respondent shall send the State Bar Compliance Monitor quarterly reports regarding the status of his compliance with the terms of probation in the Criminal Case.
4. Respondent shall execute any form necessary to enable the State Bar Compliance Monitor to obtain information from the Probation Department supervising his probation in the Criminal Case regarding his compliance with the terms of probation.
5. Respondent shall abstain from drinking any alcohol. If medications are prescribed by any treating health care professional, Respondent shall continue on the medications as prescribed and shall advise the Compliance Monitor of all prescribed medications.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

### **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 re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction, consideration is given to 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. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard 3.0*.

The parties agree that *Standard 5.12* is the appropriate *Standard* given the facts and circumstances of this matter. *Standard 5.12* provides that suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in *Standard 5.11* and that seriously adversely reflects on the lawyer's fitness to practice. The parties agree that the *Standard 5.11* elements<sup>2</sup> are not applicable in this case.

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<sup>2</sup> *Standard 5.11* provides that disbarment is generally appropriate when a lawyer engages in serious criminal conduct a necessary element of which includes

### **The duty violated**

As described above, Respondent's conduct violated his duty to the profession, the legal system, and the public.

### **The lawyer's mental state**

For purposes of this agreement the parties agree that Respondent knowingly committed the crime for which he was convicted and that his conduct was in violation of the Rules of Professional Conduct.

### **The extent of the actual or potential injury**

For purposes of this agreement, the parties agree that there was actual harm to the profession and potential harm to the public.

### **Aggravating and mitigating circumstances**

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

#### **In aggravation:**

*Standard 9.22(i)*, Substantial experience in the practice of law. Respondent was admitted to practice law in Arizona in 1981; and

*Standard 9.22(k)*, Illegal conduct. Respondent plead guilty to Aggravated Driving or Actual Physical Control while Under the Influence of Intoxicating Liquor or Drugs, a Class 6 Undesignated Felony.

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intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses. It also applies to any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

**In mitigation:**

*Standard 9.32(a)*, absence of a prior disciplinary record;

*Standard 9.32(c)*, Personal or emotional problems. Respondent acknowledges that he is an alcoholic and promptly after his arrest, Respondent sought treatment and has maintained his sobriety since that time. Attached hereto as Exhibit B is a Certificate of Completion reflecting that Respondent completed 90 hours of the In Balance Intensive Outpatient Program on October 26, 2014, along with a letter from Respondent's AA Sponsor, which was submitted to the trial court in advance of sentencing;

*Standard 9.32(e)*, full and free disclosure to disciplinary board or cooperative attitude towards proceedings;

*Standard 9.32(k)*, imposition of other penalties or sanctions; and

*Standard 9.32(l)*, remorse.

**Discussion**

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction should be mitigated to Reprimand and Probation.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: The mitigation factors outweigh the aggravating factors. Respondent took action promptly after his arrest to address his substance-abuse problem and states that he has maintained his sobriety. Respondent has complied with the terms of probation. And, although Respondent's

conduct caused harm to the profession and the legal system, it did not implicate any clients. In fact, Respondent has not practiced law since 2012.

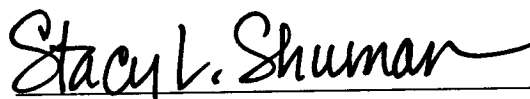
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

### **CONCLUSION**

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. 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 order is attached hereto as Exhibit C.

**DATED** this 11<sup>th</sup> day of May 2016

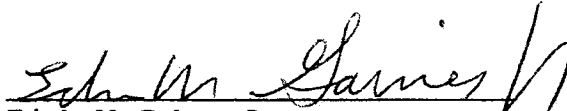
**STATE BAR OF ARIZONA**



Stacy L. Shuman  
Staff Bar Counsel

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

DATED this 5<sup>th</sup> <sup>May</sup> day of ~~April~~, 2016.

  
Edwin M. Gaines, Jr  
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 11<sup>th</sup> day of ~~April~~ <sup>MAY</sup>, 2016.

Copy of the foregoing emailed  
this 11<sup>th</sup> day of ~~April~~ <sup>MAY</sup>, 2016, to:

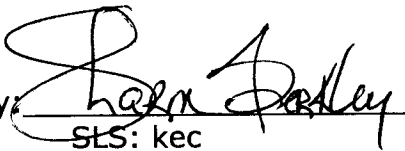
The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 11<sup>th</sup> day of ~~April~~ <sup>MAY</sup>, 2016, to:

Edwin M. Gaines, Jr  
PO Box 660  
Sonoita, AZ 85637-0660  
Email: [emgaines.eg@gmail.com](mailto:emgaines.eg@gmail.com)  
Respondent

Copy of the foregoing hand-delivered  
this 11<sup>th</sup> day of May, 2016, to:

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

by:   
SLS: kec

# **EXHIBIT A**

**Statement of Costs and Expenses**

In the Matter of a Member of the State Bar of Arizona,  
Edwin M Gaines Jr, Bar No. 007066, Respondent

File No. 15-3016

**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.

**Staff Investigator/Miscellaneous Charges**

Total for staff investigator charges \$ 0.00

**TOTAL COSTS AND EXPENSES INCURRED** **\$1,200.00**

# **EXHIBIT B**



IN BALANCE  
INTENSIVE OUTPATIENT

# Certificate of Completion

Presented To:

Edwin 'Ed' Gaines

For Completing 90 hours of the In Balance Intensive Outpatient Program

On this 26<sup>th</sup> day of October, 2014

Patrick J. Barrasso, LCSW  
Owner/ Executive Director

"Today, I celebrate my success. Tomorrow, I dream new dreams. Always, I will live life to its fullest."



Dear Mr. Bloom,

I am writing this on behalf of Ed Gaines. I am his AA Sponsor. I have known Ed for 6 plus years. I am a long time resident of Sonoita. I have 31 years of sobriety, and am active in Alcoholics Anonymous.

I am aware that Ed is being sentenced for driving while impaired with his daughter Aspen in the car. I also know he had a prior DUI. Ed is truly remorseful for what he has done. He attends AA meetings regularly and is working hard on his sobriety using the twelve steps of Alcoholics Anonymous.

He is a devoted father. He has custody of his daughter Aspen approximately four or more days a week. She is a driving force in motivating him to succeed in his sobriety. He oversees her school work, accompanies her to riding lessons, voice lessons, and includes her in his life whenever possible

Ed is committed to the AA program and being a great father. He accepts 100 percent of his responsibility for his bad behavior. Ed's behavior is inexcusable but I don't think it defines who he is. He enrolled in an intensive 90 day outpatient treatment program not long after being pulled over. To the best of my knowledge he has not had any interaction with law enforcement since he was arrested. He has accepted responsibility for his actions and is doing what he needs to do to maintain his sobriety. He continues to work his AA program.

Very Truly Yours,

A handwritten signature in black ink that reads "Dennis Conners". The signature is written in a cursive style with a large, stylized initial "D".

Dennis Conners

PO Box 319

Sonoita, Az. 85637

# **EXHIBIT C**

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**EDWIN M. GAINES JR,  
Bar No. 007066,**

Respondent.

**PDJ**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 15-3016]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on \_\_\_\_\_, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS HEREBY ORDERED** that Respondent, **Edwin M. Gaines Jr**, is hereby Reprimanded and placed on Probation for two (2) years for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective as of the date of this Order.

**IT IS FURTHER ORDERED** that Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order/Agreement for the Compliance Monitor to develop terms and conditions of participation as outlined in the consent documents, which terms shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

**NON-COMPLIANCE LANGUAGE**

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, 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 a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation 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.

**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 May, 2016

\_\_\_\_\_  
**William J. O'Neil, 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 May, 2016.

Copies of the foregoing mailed/mailed  
this \_\_\_\_\_ day of May, 2016, to:

Edwin M Gaines, Jr  
PO Box 660  
Sonoita, AZ 85637-0660  
Email: emgaines.eg@gmail.com  
Respondent

Copy of the foregoing emailed/hand-delivered  
this \_\_\_\_\_ day of May, 2016, to:

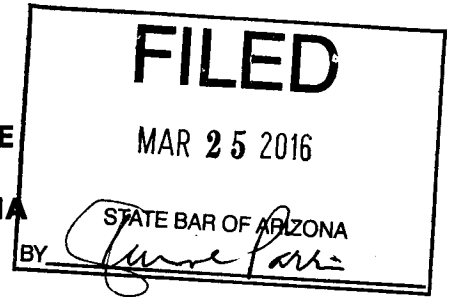
Stacy L. Shuman  
Staff Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Copy of the foregoing hand-delivered  
this \_\_\_\_\_ day of May, 2016 to:

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

by: \_\_\_\_\_

**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,**

No. 15-3016

**EDWIN M. GAINES JR.,  
Bar No. 007066,**

**PROBABLE CAUSE ORDER**

Respondent.

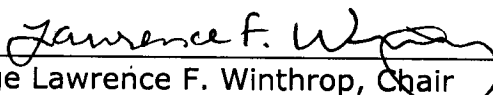
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on March 11, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-3016.

**IT IS THEREFORE ORDERED** pursuant to Rules 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 24 day of March, 2016.

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

Original filed this 25<sup>th</sup> day  
of March, 2016, with:

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

Copy mailed this 28<sup>th</sup> day  
of March, 2016, to:

Edwin M. Gaines Jr.  
Gaines Law Group  
P.O. Box 660  
Sonoita, Arizona 85637-0660  
Respondent

Copy emailed this 28<sup>th</sup> day  
of March, 2016, to:

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](mailto:ProbableCauseComm@courts.az.gov)

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: Sam Perley