

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**JONATHAN D. LEITENBERGER
Bar No. 035378,**

Respondent.

PDJ 2025-9103

**AMENDED
FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 25-1023, 25-1514,
25-1560, 25-1584, and 25-1972]

FILED APRIL 17, 2026

The hearing panel rendered its Decision and Order Imposing Sanctions on March 26, 2026. No timely appeal was filed.

IT IS ORDERED that **JONATHAN D. LEITENBERGER, Bar No. 035378**, is disbarred, for his conduct in violation of the Arizona Rules of Professional Conduct and the Arizona Rules of the Supreme Court, effective March 26, 2026. His name is stricken from the roll of lawyers in Arizona, and he is no longer entitled to the rights and privileges of a lawyer, though he remains subject to the jurisdiction of the court. Any future application for admission or reinstatement will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in State Bar

File Nos. 25-1023, 25-1514, 25-1560, 25-1584 and 25-1972. No further disciplinary action shall be taken in reference to the subject of the charges upon which the judgment of disbarment is based.

IT IS FURTHER ORDERED that, pursuant to Rule 57(a)(5)(B), Respondent shall immediately comply with the requirements of Rule 72, Ariz. R. Sup. Ct., relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$2,000.00 within 30 days. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

IT IS FURTHER ORDERED Mr. Leitenberger shall pay restitution in the amount below within thirty (30) days of entry of the final judgment and order:

- **Count One: Robert Horne in the amount of \$6,000.00;**
- **Count Two: Janette Gastelum in the amount of \$1,000.00;**
- **Count Five: Terry Moss in the amount of \$5,000.00.**

DATED this 17th day of April, 2026.

Lisa A. VandenBerg
Hon. Lisa A. VandenBerg
Presiding Disciplinary Judge

Copy of the foregoing emailed
this 17th day of April, 2026, to:

Katherine L. Hyde
LRO@staff.azbar.org

Jonathan D. Leitenberger
jon@jondllaz.com

by: CLopez

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**JONATHAN D. LEITENBERGER
Bar No. 035378,

Respondent.**

PDJ 2025-9103

**FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 25-1023, 25-1514,
25-1560, 25-1584, and 25-1972]

FILED APRIL 16, 2026

The hearing panel rendered its Decision and Order Imposing Sanctions on March 26, 2026. No timely appeal was filed.

IT IS ORDERED that **JONATHAN D. LEITENBERGER, Bar No. 035378**, is disbarred, for his conduct in violation of the Arizona Rules of Professional Conduct and the Arizona Rules of the Supreme Court, effective March 26, 2026. His name is stricken from the roll of lawyers in Arizona, and he is no longer entitled to the rights and privileges of a lawyer, though he remains subject to the jurisdiction of the court. Any future application for admission or reinstatement will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in State Bar

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IT IS FURTHER ORDERED that, pursuant to Rule 57(a)(5)(B), Respondent shall immediately comply with the requirements of Rule 72, Ariz. R. Sup. Ct., relating to notification of clients and others.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$2,000.00 within 30 days. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 16th day of April, 2026.

Lisa A. VandenBerg
Hon. Lisa A. VandenBerg
Presiding Disciplinary Judge

Copy of the foregoing emailed
this 16th day of April, 2026, to:

Katherine L. Hyde
LRO@staff.azbar.org

Jonathan D. Leitenberger
jon@jondllaz.com

by: CLopez

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

JONATHAN D. LEITENBERGER

Bar No. 035378,

Respondent.

PDJ 2025-9103

**DECISION AND ORDER
IMPOSING SANCTIONS**

[State Bar Nos. 25-1023, 25-1514, 25-1560, 25-1584, and 25-1972]

FILED MARCH 26, 2026

The State Bar of Arizona filed a five (5) Count Complaint against Respondent Jonathan D. Leitenberger (“Respondent”) on December 29, 2025. On December 29, 2025, the Complaint was served on Mr. Leitenberger by certified, delivery-restricted mail, and by regular first-class mail, pursuant to Rules 47(c) and 58(a)(2), Arizona Rules of the Supreme Court of Arizona (“Ariz. R. Sup. Ct.”).

A notice of default and entry of default issued on January 27, 2026, due to Mr. Leitenberger’s failure to file an answer or otherwise defend against the complaint’s allegations. Mr. Leitenberger did not cure the deficiency. Therefore, on February 11, 2026, the default became effective, and the parties

were provided notice of an aggravation/mitigation hearing scheduled to begin at 9:30 a.m. on March 11, 2026.

On March 6, 2026, Bar Counsel filed a Notice of Lodging of Proposed Order. The State Bar provided Mr. Leitenberger with notice via email on March 6, 2026. No responsive pleadings have been received.

The Aggravation/Mitigation hearing was conducted via Zoom on March 11, 2026. Staff Bar Counsel Katherine L. Hyde was present on behalf of the State Bar. Mr. Leitenberger did not appear either virtually or physically in Conference Room 109. A hearing panel ("Panel") comprised of Presiding Disciplinary Judge (PDJ) Lisa A. VandenBerg, attorney member James M. Marovich and public member Terry T. Tyner, considered information presented by Bar Counsel. Exhibits 1-44 were received into evidence.

Due to Mr. Leitenberger's default, the allegations of the Complaint have been deemed admitted, as reflected in the following findings of fact:

FINDINGS OF FACT

1. At all times relevant, Mr. Leitenberger was a lawyer licensed to

practice law in the State of Arizona, having been first admitted to practice in Arizona on July 31, 2019.

2. In PDJ 2023-9057, a formal Complaint was filed against Mr. Leitenberger on August 8, 2023. A default was entered, and an aggravation/mitigation hearing was held on September 26, 2023. The hearing panel issued a Decision and Order Imposing Sanctions on October 2, 2023. This Order awarded restitution, imposed suspension for 60 days (effective 45 days after the date of the order) and reflected that upon reinstatement, Mr. Leitenberger would be placed on probation for a period of two years, with terms to include Law Office Management Assistance Program (“LOMAP”), and Member Assistance Program (“MAP”).

3. Mr. Leitenberger was reinstated in July of 2024.

4. The State Bar filed a notice of non-compliance in November of 2024. On December 3, 2024, the PDJ issued an order extending the term of probation, “[s]pecifically, his probationary term shall now commence on December 5, 2024, continuing for two years thereafter.”¹

5. On April 23, 2025, the PDJ issued an Order Accepting Agreement

¹ Order From Probation Non-Compliance Hearing, page 2, Bates 000106.

For Discipline By Consent, in which Mr. Leitenberger was reprimanded and placed on probation for a period of two years as of the date of the order, with terms including LOMAP and MAP.

6. Mr. Leitenberger was administratively suspended for failure to pay membership dues as of June 23, 2025.

7. Mr. Leitenberger's license was suspended for six months and one day as of September 24, 2025, based on non-compliance with probation terms.

COUNT ONE (File No. 25-1023/Horne)

8. Robert Horne retained Mr. Leitenberger to represent him in a divorce case.

9. The Flat-Fee Agreement signed on January 3, 2024, provides that the scope of the representation included the drafting and filing of a petition for dissolution of marriage (filing fee included); review of responsive documents; discovery and disclosure processing; and negotiation to the end of lodging a consent decree of dissolution of marriage.

10. The Flat-Fee Agreement states that if a dispute arises regarding

Mr. Leitenberger's fees, the parties agree to resolve that dispute through the State Bar's Fee Arbitration Program.

11.Mr. Horne paid Mr. Leitenberger \$6,000 on a flat fee basis on February 28, 2025.

12.Mr. Horne provided Mr. Leitenberger signed and notarized documents relating to his divorce on March 17, 2025.

13.Mr. Leitenberger filed the petition for dissolution of marriage with children on March 21, 2025, with accompanying required documents (Pima County Superior Court case no. D20250795).

14.Mr. Leitenberger took no other action on the matter and stopped communicating with Mr. Horne for over a month.

15.Mr. Horne emailed Mr. Leitenberger on April 3, 2025, to ask for an update on whether the petition had been served. Mr. Leitenberger did not respond to this email.

16.Mr. Horne emailed Mr. Leitenberger on April 7, 2025, to ask for an update on whether the petition had been served. Mr. Leitenberger did not respond to this email.

17.Mr. Horne emailed Mr. Leitenberger on April 11, 2025, to ask for

a refund. Mr. Leitenberger did not respond to this email.

18.Mr. Horne emailed Mr. Leitenberger on April 19, 2025, to terminate the representation and ask for a refund. Mr. Leitenberger did not respond to this email.

19.Mr. Horne emailed Mr. Leitenberger on April 23, 2025, stating that Mr. Leitenberger had not withdrawn, failed to provide a refund, and had not communicated with Mr. Horne in over 30 days, and that Mr. Horne had submitted a bar charge.

20.Mr. Leitenberger responded to Mr. Horne by email on April 23, 2025, acknowledging that the petition had not been served and stating that he would have Mr. Horne's account processed within the next seven days and would mail a refund check for the amount due back to him.

21.Mr. Horne emailed Mr. Leitenberger on April 29, 2025, asking if Mr. Leitenberger had withdrawn as counsel and if the account had been processed. Mr. Leitenberger did not respond to this email.

22.Mr. Horne emailed Mr. Leitenberger again on May 4, 2025. Mr. Leitenberger did not respond to this email.

23.Mr. Horne emailed Mr. Leitenberger on May 11, 2025, stating

that he had not received a refund. Mr. Leitenberger did not respond to this email.

24.Mr. Horne terminated Mr. Leitenberger and requested that he file a motion to withdraw.

25.Mr. Leitenberger has not provided Mr. Horne an accounting, refund, or partial refund.

26.Mr. Leitenberger did not file a motion to withdraw and was still counsel of record when the court dismissed the matter for failure to serve the summons and complaint on September 10, 2025.

27.Intake bar counsel emailed Mr. Leitenberger on May 28, 2025, asking to schedule a call with him regarding the bar charge and for copies of written communications with Mr. Horne and their fee agreement.

28.Mr. Leitenberger did not respond to intake bar counsel.

29.On June 2, 2025, intake bar counsel emailed Mr. Leitenberger again, and asked to schedule a call with him to discuss Mr. Horne's bar charge.

30.Bar counsel further requested that he provide the documentation previously requested by June 4, 2025.

31.Mr. Leitenberger again failed to respond.

32.Mr. Leitenberger failed to respond to the screening letter the State Bar sent on June 6, 2025, and the non-response letter sent on July 3, 2025.

33.Based on the foregoing, Mr. Leitenberger violated the following ethical rules,

Rule 42, Ariz. R. Sup. Ct.,

ER 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer);

ER 1.3 (Diligence);

ER 1.4 (Communication);

ER 1.5 (Fees);

ER 1.15 (Safekeeping Property);

ER 1.16(a) (Declining or Terminating Representation);

ER 3.2 (Expediting Litigation);

ER 8.1(b) (Bar Admission and Disciplinary Matters);

and

Rule 54(d)(2), Ariz. R. Sup. Ct. (Failure to Furnish Information).

COUNT TWO (File No. 25-1514/Gastelum)

34.Janette Gastelum retained Mr. Leitenberger through the Bar Association's QUILT Program to represent her in a family law matter in Pima County Superior Court (D20240392). (Bar Counsel offered by way of

avowal that this is a program presented by the Pima County Bar Association for clients of modest means.)

35. The fee agreement dated July 22, 2024, states that Ms. Gastelum agreed to retain the Law Office of Jon D.L. Leitenberger on an hourly basis consistent with the QUILT Fee Schedule, with the understanding that the firm would bill attorney services at the rate of \$100.00 per hour.

36. Ms. Gastelum paid Mr. Leitenberger \$1,000 as an advance deposit on fees on July 23, 2024.

37. On August 26, 2024, Ms. Gastelum met Mr. Leitenberger for the first time at a hearing in her matter.

38. Mr. Leitenberger also attended a hearing on October 15, 2024.

39. Starting on November 18, 2024, Ms. Gastelum sent several emails for a few days, weeks, and called and texted several different times but Mr. Leitenberger did not respond².

40. Ms. Gastelum was concerned because she had not heard from him and there was a hearing scheduled for January 31, 2025.

41. According to Ms. Gastelum's statement, Ms. Gastelum later went

² Bates 00035.

to Mr. Leitenberger's home address where his office is located (on an unspecified date).

42. In response to Ms. Gastelum's appearance at his residence, on January 20, 2025, Mr. Leitenberger sent an email stating that he expected Ms. Gastelum to call, text, email, or make an appointment prior to showing up at his home/office.

43. In response, Ms. Gastelum resent emails and screenshots of the messages, texts, and phone calls to Mr. Leitenberger.

44. Ms. Gastelum indicated that Mr. Leitenberger indicated he would call the following week to review for the hearing. Mr. Leitenberger did not call Ms. Gastelum as promised.

45. Ms. Gastelum communicated a request to Mr. Leitenberger to provide a copy of her child's December 13, 2024, interview at the Family Conciliation Court.

46. Mr. Leitenberger did not provide the requested document to Ms. Gastelum.

47. Ms. Gastelum's statement indicates that she was told at the court

that her attorney had to pick up the documents, and the documents had been ready for months.

48. On March 7, 2025, Mr. Leitenberger sent the documents by email to Ms. Gastelum.

49. At a hearing on March 15, 2025, Mr. Leitenberger said he would email Ms. Gastelum a copy of the list of personal property for the parties to exchange, but he never did.

50. On March 24, 2025, Ms. Gastelum sent an email to Mr. Leitenberger about the list of personal property.

51. Mr. Leitenberger never sent Ms. Gastelum the list of personal property.

52. Ms. Gastelum emailed Mr. Leitenberger on March 27, 2025, about a call from a police detective regarding interviews with her child related to DCS investigation of the child's father.

53. Mr. Leitenberger did not respond to Ms. Gastelum's communication.

54. Ms. Gastelum appeared in court on June 20, 2025, for a hearing

previously scheduled for that date. At that time, Ms. Gastelum was notified by court staff that the hearing had been rescheduled.

55.Mr. Leitenberger had not told Ms. Gastelum of the rescheduling of the hearing, and Ms. Gastelum had not agreed to reschedule it.

56.Court personnel directed Ms. Gastelum to speak with her lawyer, given she was currently represented.

57.Mr. Leitenberger was administratively suspended as of June 23, 2025, due to failure to pay membership fees.

58.When Mr. Leitenberger did not appear for the hearing on July 10, 2025, the court found that because Mr. Leitenberger was currently not authorized to practice law, it was appropriate to withdraw him as counsel for Ms. Gastelum at that time.

59.Mr. Leitenberger has not provided a copy of the client file to Ms. Gastelum.

60.Mr. Leitenberger failed to respond to the State Bar's screening letter dated July 1, 2025, and the non-response letter dated July 23, 2025.

61.Based on the foregoing, Mr. Leitenberger violated the following

ethical rules:

Rule 42, Ariz. R. Sup. Ct.,

ER 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer);

ER 1.3 (Diligence);

ER 1.4 (Communication);

ER 1.15 (Safekeeping Property);

ER 3.2 (Expediting Litigation);

ER 8.1(b) (Bar Admission and Disciplinary Matters);

and

Rule 54(d)(2), Ariz. R. Sup. Ct. (Failure to Furnish Information).

COUNT THREE (File No. 25-1560/Barraza)

62.Mr. Leitenberger was appointed to represent Laurie Barraza's son, Brian Barraza, in Gila County Superior Court in criminal matters (CR202300340, CR202300341, CR202300342, and CR202300455).

63.Mr. Leitenberger represented Mr. Barraza since at least December 2024.

64.Ms. Barraza alleges that Mr. Leitenberger did not communicate with Mr. Barraza.

65.Mr. Leitenberger was administratively suspended as of June 23, 2025, for failure to pay membership fees.

66.Despite suspension, Mr. Leitenberger appeared at a hearing for

Mr. Barraza on July 7, 2025.

67. At the hearing, Mr. Leitenberger requested to withdraw due to “poor communication with Defendant”.

68. The court granted the motion to withdraw and appointed successor counsel.

69. On July 10, 2025, intake bar counsel emailed Mr. Leitenberger and asked him to itemize his communications with Mr. Barraza and address his attendance at the July 7, 2025, hearing given his suspension, no later than July 15, 2025.

70. Mr. Leitenberger did not respond.

71. Mr. Leitenberger did not respond to the screening letter sent on July 22, 2025.

72. Based on the foregoing, Mr. Leitenberger violated the following ethical rules:

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

ER 1.4 (Communication);

ER 5.5 (Unauthorized Practice of Law);

ER 8.1(b) (Bar Admission and Disciplinary Matters);

and

Rule 54(d)(2), Ariz. R. Sup. Ct. (Failure to Furnish Information).

COUNT FOUR (File No. 25-1584/Bia)

73.Mr. Leitenberger was appointed to represent Keleebert Begay in Gila County Superior Court case no. CR202400164 in approximately March of 2025.

74.Lacey Tanish Bia has a child in common with Mr. Begay.

75.Ms. Bia submitted a bar charge against Mr. Leitenberger on June 27, 2025, alleging that Mr. Leitenberger did not communicate with Mr. Begay about upcoming court dates or to discuss a plea agreement set to expire on June 30, 2025.

76.Mr. Leitenberger was administratively suspended as of June 23, 2025, for failure to pay membership fees.

77.Mr. Leitenberger appeared at hearings in court on June 30, September 2, and September 8, 2025.

78.The docket does not reflect that Mr. Leitenberger filed a motion to withdraw or otherwise inform the court of his suspension.

79.On June 30, 2025, intake bar counsel emailed Mr. Leitenberger and asked him to identify the date he was appointed to represent the defendant, to itemize all communications with the defendant, to identify

whether he communicated with the defendant regarding any plea offer, and to provide a written response by July 3, 2025. Mr. Leitenberger failed to respond to that email.

80.Mr. Leitenberger did not respond to the screening letter dated July 8, 2025.

81.Based on the foregoing, Mr. Leitenberger violated the following ethical rules:

Rule 42, Ariz. R. Sup. Ct.,

ER 1.4 (Communication);

ER 5.5 (Unauthorized Practice of Law);

ER 8.1(b) (Bar Admission and Disciplinary Matters);
and

Rule 54(d)(2), Ariz. R. Sup. Ct. (Failure to Furnish Information).

COUNT FIVE (File No. 25-1972/Moss)

82.Terry Moss retained Mr. Leitenberger around July 30, 2024, for representation in a family court matter in Pima County Superior Court (case No. SP20240565, *Terry Moss v. Kristina Sikes*).

83.Mr. Moss paid a \$5,000 fee to Mr. Leitenberger on July 30, 2024.

84.In March of 2025, Mr. Moss started having trouble reaching Mr. Leitenberger.

85.Mr. Leitenberger continued to attend hearings until May 19, 2025.

86.Mr. Leitenberger was administratively suspended as of June 23, 2025, for failure to pay membership fees.

87.A settlement conference was set on June 30, 2025.

88.Mr. Leitenberger did not file a motion to withdraw or alert the court of his suspension.

89.Mr. Leitenberger sent an email to the settlement conference office on June 30, 2025, at 5:26 a.m., stating: "I apologize for not reaching out on Thursday or Friday about this, but I'll be in Globe, AZ for some criminal hearings today, so won't be able to make mediation work today. My best availability is Tuesday, July 1st, all day[;] Wednesday, July 2nd, all afternoon[;] Thursday, July 3rd, afternoon. ..."

90.Mr. Moss and Mr. Leitenberger did not appear for the June 30, 2025, settlement conference.

91.In an order dated June 30, 2025, the court stated that the dates that Mr. Leitenberger had proposed for a continued settlement conference were not convenient for the court, and that it was "regretful" that the

opposing party “had to waste PTO, or perhaps even went unpaid because Petitioner [Mr. Moss] did not manage the conflict better.”³

92.The court informed Mr. Moss at a July 15, 2025, pretrial conference that Mr. Leitenberger was suspended from practicing law.

93.Mr. Moss requested his file from Mr. Leitenberger repeatedly and Mr. Leitenberger did not respond.

94.Mr. Leitenberger has not provided Mr. Moss with billing information.

95.Intake bar counsel sent Mr. Leitenberger an email on Aug. 6, 2025, asking him to confirm that he sent Mr. Moss his client file. Mr. Leitenberger did not respond.

96.Mr. Leitenberger did not respond to the screening letter sent on Aug. 7, 2025.

97.Based on the foregoing, Mr. Leitenberger violated the following ethical rules:

Rule 42, Ariz. R. Sup. Ct.,

a. ER 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer);

³ Bates 00077.

- b. ER 1.3 (Diligence);
- c. ER 1.4 (Communication);
- d. ER 1.5 (Fees);
- e. ER 1.15 (Safekeeping Property);
- f. ER 1.16(a) (Declining or Terminating Representation);
- g. ER 3.2 (Expediting Litigation);
- h. ER 8.1(b) (Bar Admission and Disciplinary Matters);
- and

Rule 54(d)(2), Ariz. R. Sup. Ct (Failure to Furnish Information).

CONCLUSIONS OF LAW

Mr. Leitenberger failed to file an Answer or otherwise respond to the allegations in the State Bar's complaint. Default was properly entered on January 27, 2026, and the allegations are therefore deemed admitted pursuant to Rule 58(d), Ariz. R. Sup. Ct. Based upon the facts deemed admitted, the Panel finds by clear and convincing evidence that Mr. Leitenberger violated the following:

In Count One: Rule 42, Ariz. R. Sup. Ct., ER 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer), ER 1.3 (Diligence), ER 1.4 (Communication), ER 1.5 (Fees), ER 1.15 (Safekeeping Property), ER 1.16(a) (Declining or Terminating Representation), ER 3.2

(Expediting Litigation), ER 8.1(b) (Bar Admission and Disciplinary Matters); and Rule 54(d)(2) (Failure to Furnish Information), Ariz. R. Sup. Ct.

In Count Two: Rule 42, Ariz. R. Sup. Ct., ER 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer), ER 1.3 (Diligence), ER 1.4 (Communication), ER 1.15 (Safekeeping Property), ER 3.2 (Expediting Litigation), ER 8.1(b) (Bar Admission and Disciplinary Matters), and Rule 54(d)(2) (Failure to Furnish Information), Ariz. R. Sup. Ct.

In Count Three: Rule 42, Ariz. R. Sup. Ct., ER 1.4 (Communication), ER 5.5 (Unauthorized Practice of Law), ER 8.1(b) (Bar Admission and Disciplinary Matters); and Rule 54(d)(2) (Failure to Furnish Information), Ariz. R. Sup. Ct.

In Count Four: Rule 42, Ariz. R. Sup. Ct., ER 1.4 (Communication), ER 5.5 (Unauthorized Practice of Law), ER 8.1(b) (Bar Admission and Disciplinary Matters); and Rule 54(d)(2) (Failure to Furnish Information), Ariz. R. Sup. Ct.

In Count Five: Rule 42, Ariz. R. Sup. Ct., ER 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer), ER

1.3 (Diligence), ER 1.4 (Communication), ER 1.5 (Fees), ER 1.15 (Safekeeping Property), ER 1.16(a) (Declining or Terminating Representation), ER 3.2 (Expediting Litigation), ER 8.1(b) (Bar Admission and Disciplinary Matters); and Rule 54(d)(2) (Failure to Furnish Information), Ariz. R. Sup. Ct.

DISCUSSION

Sanctions imposed against lawyers are determined in accordance with the American Bar Association *Standards for Imposing Lawyer Sanctions* (“ABA Standards”).⁴ In fashioning a sanction, the Panel considers: (a) the duty violated; (b) the lawyer’s mental state; (c) the actual or potential injury caused by the lawyer’s misconduct; and (d) the existence of aggravating or mitigating factors.⁵

The Panel finds, based on the evidence admitted, the following:

Duties violated:

Mr. Leitenberger knowingly violated his duty to his clients, the legal system, and the profession by violating Rule 42, Ariz. R. Sup. Ct., ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER 3.2, ER 5.5, ER 1.15, ER 1.16(a), and Rule 54(d)(2), Ariz. R. Sup. Ct.

⁴ See Rule 58(k), Ariz. R. Sup. Ct.

⁵ See ABA *Standard* 3.0

Mental State:

Mr. Leitenberger knowingly violated his duties to his clients, the legal system, and the profession. The term “knowingly” “denotes actual knowledge of the fact in question, which ‘may be inferred from circumstances.’” *In re Witt*, 257 Ariz. 12 (2024). *Witt* distinguishes between knowing conduct and intentional conduct and holds that a lawyer need not realize he or she is acting in violation of the ethical rules.

Injury:

Mr. Leitenberger’s clients suffered actual and potential harm. Actual due to his acceptance of clients’ matters, and later eventual abandonment.

With regard to the clients involved in Counts 1, 2, and 4, Mr. Leitenberger failure to provide an accounting regarding services actually rendered and or the failure to return unearned fees, caused his clients actual injury. Further, at least one of these clients was known to be financially challenged when Mr. Leitenberger accepted them as clients.

Clients involved in Count 4 and 5 were being represented in criminal matters as defendants. Mr. Leitenberger caused actual harm by causing unnecessary delays in the processing of their matters.

Potential harm is present from the likely stress and or financial pressure clients felt given that, once abandoned, they were left to rebuild their position if their litigation from scratch- (in Count 2 and 5, Mr. Leitenberger was further found to fail to provide the benefit of at least their own client file).

ABA Standards considered:

The Panel finds that Mr. Leitenberger's misconduct implicates the following ABA *Standards*:

Rule 42, Ariz. R. Sup. Ct., ER 1.15:

ABA Standard 4.12

Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

Rule 42, Ariz. R. Sup. Ct., ER 1.2, ER 1.3, and ER 1.4:

ABA Standard 4.41

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- (b) a lawyer knowingly fails to perform services for a client and causes serious

- or potentially serious injury to a client;
or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

Rule 42, Ariz. R. Sup. Ct., ER 3.2.:

ABA Standard 6.2

Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

Rule 42, Ariz. R. Sup. Ct., ER 1.5, ER 1.16, ER 5.5, ER 8.1.:

ABA Standard 7.2

Suspension is generally appropriate when a lawyer knowingly 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.

Therefore, ABA Standards 4.12, 4.41, 6.2, and 7.2 are all applicable. The State Bar has requested that Mr. Leitenberger be disbarred.

However, while the State Bar's Proposed Rule 58(k) neglects to mention, these ABA *Standards* have different presumptive consequences. The Panel understands, as discussed by the Court in *In re Alexander*, 232 Ariz. 1, 13, ¶ 50, 300 P.3d 536, 548 (2013), "The Standards do not account for multiple findings of misconduct but suggest that, at a minimum, the imposed sanction align with the sanction for the most serious finding. Standards, Theoretical Framework, § II." In identifying Mr. Leitenberger's most serious finding, the Panel was guided by the ABA *Standards*, Theoretical Framework, § II, "In determining the nature of the ethical duty violated, the [S]tandards assume that the most important ethical duties are those obligations which a lawyer owes to clients."

However, the Panel finds that each applicable ABA *Standard* identified in this case involves ethical duties that Mr. Leitenberger owed to clients. As the Court pointed out in *In re Phillips*, 226 Ariz. 112, 117-18 ¶ 31, "Not surprisingly, the Standards recommend more severe sanctions for intentional or knowing misconduct than negligent misconduct, which threatens less harm." (quoted in *In re Alexander*, 232 Ariz at 13-14, ¶ 52.) Here, the Panel has found that the record supports, as submitted by the State

Bar, a finding of “knowing” mental state for all violations. Therefore, such does not provide much assistance. Finally, looking to *ABA Standard 4.41*, the Panel is unaware of a clear definition of “serious or potentially serious injury to a client”. However, looking at the findings of fact in their totality, Mr. Leitenberger failed to notify any of his clients in these matters that they would be without counsel. In fact, at least one showed up for a hearing, where it was the court that notified them of that their loss of counsel. In another, rather than notify his client and the settlement conference officer that he was unable to represent his client (Mr. Moss) due to suspension in a settlement conference, he indicated “I’ll be in Globe, AZ for some criminal hearings today, so won’t be able to make mediation work today.” In response the settlement conference officer seemed to blame the client, stating “because Petitioner [Mr. Moss] did not manage the conflict better”⁶ and perhaps more injurious did not reset a settlement conference but rather affirmed the FCMC in the matter.

The Panel finds, that the record supports a finding of “serious or potential injury” with regard to *ABA Standard 4.41* and that it is the

⁶ Bates 00077.

appropriate standard to look too for the presumptive consequence. However, the Panel also finds that given the aggravating factors in this matter (discussed below) that it would be appropriate to impose a higher consequence than the presumption of suspension under any of the other identified standards applicable to Mr. Leitenberger's matter.

Aggravation/Mitigation:

The Panel finds that the following aggravating factors are supported by the record:

1. 9.22(a) prior disciplinary offenses;
 - PDJ 2025-9054 (SB 25-2045-N) (Sept. 24, 2025); Suspension for six months and one day based on noncompliance with probation;
 - PDJ 2024-9117 (SB 23-3054, 23-3109, 23-3114, 24-0072, 24-0123, 24-0132, 24-0202, 24-0204, 24-0210, 24-640, 24-1042, 24-1104, 24-1161, 24-1206, 24-1450) (April 23, 2025): reprimand with probation (ERs 1.15, 1.16(d), 8.1(b), Rule 54(d)(2) and Rule 72(c));

- PDJ 2024-9104 (SB 25-2837-N) (Dec. 3, 2024): extended probation terms based on noncompliance with probation;
 - PDJ 2023-9057 (SB22-1211) (Oct. 25, 2023): 60-day suspension with probation (ERs 1.3, 1.4, 1.6, 1.7, 1.15, 3.2, 3.4(c), 8.1(b), 8.4(d), Rule 54(c) and (d)).
2. 9.22(c) a pattern of misconduct: Mr. Leitenberger abandoned clients in five separate representations.
 3. 9.22(d) multiple offenses: Mr. Leitenberger violated multiple ethical rules, including those relating to representation of clients and duties owed to the legal system and the profession.
 4. 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency: Mr. Leitenberger failed to respond to the State Bar's requests for information during the screening investigations and failed to answer the formal complaint.
 5. 9.22(j) indifference to making restitution: Mr. Leitenberger has not refunded advance deposits of attorneys' fees upon request by his clients.

The Panel finds that no mitigating evidence was provided.

Having considered the matter thoroughly, the Panel finds that the presumptive sanction of disbarment is appropriate.

CONCLUSION

Based on the foregoing, the Panel orders as follows:

- 1) **JONATHAN D. LEITENBERGER, Bar No. 035378**, shall be disbarred, effective immediately.
- 2) Mr. Leitenberger shall pay all costs and expenses incurred by the State Bar of Arizona in this proceeding.
- 3) Mr. Leitenberger shall pay restitution in the amounts below within thirty (30) days of entry of the final judgment and order:
 - Count One: Robert Horne in the amount of \$6,000.00;
 - Count Two: Janette Gastelum in the amount of \$1,000.00;
 - Count Five: Terry Moss in the amount of \$5,000.00;

A final judgment and order will follow.

DATED this 26th day of March, 2026.

/s/ signature on file
Lisa A. VandenBerg, Presiding Disciplinary Judge

/s/ signature on file
James M. Marovich, Attorney Member

/s/ signature on file
Terry T. Tyner, Public Member

Copy of the foregoing emailed
this 26th day of March, to:

Jonathan D. Leitenberger
jon@jondllaz.com

Katherine L. Hyde
LRO@staff.azbar.org

by: CLopez