BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED MEMBER OF THE STATE BAR OF ARIZONA **GARY L. ROSSER** **Bar No. 014632,** **Respondent.**	**PDJ 2025-9088** **<u>AMENDED</u>** **FINAL JUDGMENT AND ORDER** [State Bar Nos. 25-1690, 25-1706, 25-1863, 25-2186, and 25-2341] **FILED APRIL 16, 2026**

<u>The hearing panel rendered its Decision and Order Imposing Sanctions on March 25, 2026. No timely appeal was filed.</u>

IT IS ORDERED that **GARY L. ROSSER**, **Bar No. 014632** is suspended for a period of two (2) years effective March 25, 2026 for his conduct in violation of the Arizona Rules of Professional Conduct **<u>and the Arizona Rules of the Supreme Court</u>**.

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

IT IS FURTHER ORDERED Mr. Rosser shall pay restitution in the amounts below within thirty (30) days:

- Count One: Charlotte Fawcett in the amount of $4,780.00;
- Count Two: Sherrie Kelly in the amount of $5,000.00;
- Count Three: Dawnyelle Kohl in the amount of $5,000.00;
- Count Four: Renee Horton in the amount of $10,000.00;
- Count Five: Pay $5,359.00 to Eric ViaVattene, this order is reflective of the sanction award against Mr. Rosser and his law firm in the Maricopa County Superior Court case of *Eric ViaVattene, et. al. v. Dobbins Wealth Management PLLC, et. al.*, CV2024-014046 reflected in the August 26, 2025 Ruling on Plaintiffs'/Counter-Defendants' Motion for Rule 37(b) Sanctions, filed August 26, 2025.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of $2,171.50 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:

Craig D. Henley
LRO@staff.azbar.org

Gary L. Rosser
glrosser@rosserlawgroup.com

by: CLopez

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED MEMBER OF THE STATE BAR OF ARIZONA **GARY L. ROSSER** **Bar No. 014632,** **Respondent.**	**PDJ 2025-9088** **FINAL JUDGMENT AND ORDER** [State Bar Nos. 25-1690, 25-1706, 25-1863, 25-2186, and 25-2341] **FILED APRIL 9, 2026**

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

IT IS ORDERED that **GARY L. ROSSER**, **Bar No. 014632** is suspended for a period of two (2) years effective March 25, 2026 for his conduct in violation of the Arizona Rules of Professional Conduct.

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

IT IS FURTHER ORDERED Mr. Rosser shall pay restitution in the amounts below within thirty (30) days:

- Count One: Charlotte Fawcett in the amount of $4,780.00;
- Count Two: Sherrie Kelly in the amount of $5,000.00;
- Count Three: Dawnyelle Kohl in the amount of $5,000.00;
- Count Four: Renee Horton in the amount of $10,000.00;
- Count Five: Pay $5,359.00 to Eric ViaVattene, this order is reflective of the sanction award against Mr. Rosser and his law firm in the Maricopa County Superior Court case of *Eric ViaVattene, et. al. v. Dobbins Wealth Management PLLC, et. al.*, CV2024-014046 reflected in the August 26, 2025 Ruling on Plaintiffs'/Counter-Defendants' Motion for Rule 37(b) Sanctions, filed August 26, 2025.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of $2,171.50 within 30 days. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 9th day of April, 2026.

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

Copy of the foregoing emailed
this 9th day of April, 2026, to:

Craig D. Henley
LRO@staff.azbar.org

Gary L. Rosser
glrosser@rosserlawgroup.com

by: CLopez

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED[1] MEMBER OF THE STATE BAR OF ARIZONA, **GARY L. ROSSER** **Bar No. 014632,** Respondent.	**PDJ 2025-9088** **DECISION AND ORDER IMPOSING SANCTIONS** [State Bar Nos. 25-1690, 25-1706, 25-1863 and 25-2341] **FILED MARCH 25, 2026**

The State Bar of Arizona filed a five (5) Count Complaint against Respondent Gary L. Rosser ("Respondent') on December 19, 2025. On December 19, 2025, the Complaint was served on Mr. Rosser 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 22, 2026, due to Mr. Rosser's failure to file an answer or otherwise defend against the Complaint's allegations. Mr. Rosser did not cure the deficiency. Therefore,

[1] While the Complaint's caption in December of 2025 reflected Mr. Rosser as a "Member" of the State Bar, this caption reflects the administrative suspension status that occurred in January of 2026.

on February 6, 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 6, 2026.

On February 27, 2026, Bar Counsel filed a Notice of Lodging of Proposed Order which Respondent was provided via email on February 27, 2026. No responsive pleading has been received.

The Aggravation/Mitigation hearing was conducted via Zoom on March 6, 2026. Senior Bar Counsel Craig D. Henley was present on behalf of the State Bar. Mr. Rosser 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 Teri M. Rowe and public member Randall Clark, considered information presented at hearing. Exhibits 1-43 were received into evidence.

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

FINDINGS OF FACT

1. On October 24, 1992, Mr. Rosser was admitted as a lawyer licensed to practice law in the State of Arizona.

2. On January 23, 2026, Mr. Rosser was summarily suspended for Mandatory Continuing Legal Education noncompliance.

COUNT ONE (File No. 25-1690/Fawcett)

3. On or about January 14, 2025, Charlotte Fawcett signed an hourly written representation agreement and paid Mr. Rosser $7,500.00 to represent her in a real estate dispute which anticipated the filing of a lawsuit.

4. On February 1, 2025, Mr. Rosser sent Fawcett an invoice reflecting a payment of $1,120.00 for 2.8 hours of legal services related to the representation.

5. On February 17, 2025, Mr. Rosser sent the opposing counsel a letter outlining Fawcett's position and demand for payment.

6. On March 18, 2025, the parties participated in a mediation and reached an agreement requiring the attorneys to prepare settlement documents which would include mutual releases. The agreement also anticipated that both parties would cooperate and comply with multiple terms over the course of approximately two years.

7. Fawcett made multiple attempts to contact Mr. Rosser to finalize

the settlement, obtain her client file, and return of unearned fees. Mr. Rosser did not respond. Fawcett also attempted to reach Mr. Rosser's wife regarding her case and was informed that Mr. Rosser had been out of touch and she had filed for divorce.

8. To date, Mr. Rosser has failed to contact Fawcett, finalize the settlement documents, provide a copy of the client file, identify or account for any legal services provided following the March 18th mediation, or return any unearned fees.

9. On August 7, 2025, the State Bar e-mailed an initial screening letter to Mr. Rosser at his last known e-mail address with the State Bar requesting that Mr. Rosser submit a written response in twenty days. The letter also explained that his failure to do so was a sanctionable event.

10.Mr. Rosser failed to provide the State Bar with the requested written response or otherwise contacted the State Bar.

11.On September 29, 2025, the State Bar e-mailed a follow-up screening letter to Mr. Rosser at his last know e-mail address documenting his failure to respond to the bar charge and again requesting that Mr. Rosser submit a written response to the State Bar. The letter again explained that his failure to do so was a sanctionable event.

12. To date, Mr. Rosser has not provided the State Bar with the requested written response or otherwise contacted the State Bar.

13. By engaging in the above-referenced misconduct, Mr. Rosser violated the following ethical rules:

> Rule 42, Ariz. R. Sup. Ct., ER 1.2 by failing to abide by the directions of the client; ER 1.3 by failing to act diligently during the representation; ER 1.4 by failing to reasonably communicate with the client; ER 1.5 by charging and retaining an unreasonable fee for the legal services provided; ER 1.15(d) by failing to provide the client with an accounting for all prepaid fees; ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation including the return of all unearned fees; ER 8.1(b) by knowingly failing to respond to a lawful demand for information from the discipline authority; ER 8.4(d) by engaging in conduct prejudicial to the administration of justice;
>
> and
>
> Rule 54(d), Ariz. R. Sup. Ct. by failing to furnish or respond promptly to an inquiry by the State Bar.

COUNT TWO (File No. 25-1706/Kelly)

14. On or about December 2024, Sherrie Kelly signed an hourly written

representation agreement and paid Mr. Rosser $5,000.00 to represent her regarding a business dispute with her ex-husband.

15. While the parties initially engaged in settlement discussions to resolve the dispute, the discussions ended on or about January 7, 2025, resulting in Kelly requesting that Mr. Rosser file a formal lawsuit.

16. By January 27, 2025, Kelly contacted Mr. Rosser due to Mr. Rosser's failure to contact her with an update on the status of the complaint. Mr. Rosser responded that "he was working on it".

17. On February 5, 2025, the opposing counsel caused Kelly to be served with a complaint regarding the dispute. Mr. Rosser filed a notice of appearance that day.

18. Between February 5th and 10th, 2025, the parties began negotiating a resolution of the opposing party's application for a preliminary injunction.

19. On February 12, 2025, Kelly provided Mr. Rosser information responsive to the complaint allegations and, on February 24, 2025, the parties entered a stipulation resolving the issues raised in the preliminary injunction.

20. Despite Kelly's multiple requests for a meeting to discuss the

content and filing deadline for the anticipated answer and counterclaim, Mr. Rosser failed to respond to Kelly until March 12, 2025 when Kelly met with Mr. Rosser.

21. On March 26, 2025, Kelly requested an update from Mr. Rosser.

22. That day, Mr. Rosser filed an untimely answer and counterclaim and sent a copy to Kelly.

23. On March 31, 2025, Kelly e-mailed Respondent errors and mistakes in the answer and counterclaims including the inclusion of a request for a judicial dissolution of the subject company. Mr. Rosser responded the next day, claiming that he would call Kelly.

24. Despite his promise to do so, Mr. Rosser failed to contact Kelly.

25. On April 7, 2025, Kelly requested that Mr. Rosser provide an update and the production of certain documents. Mr. Rosser claimed that he would provide the update and documents shortly.

26. Despite his promise to do so, Mr. Rosser failed to contact Kelly or provide the requested documents.

27. Despite multiple e-mails and phone calls, Mr. Rosser did not

respond to Kelly's requests until May 15, 2025 when Mr. Rosser stated he and opposing counsel were cancelling a scheduled mediation.

28.On May 24, 2025, Kelly hired successor counsel and requested the client file and a return of the prepaid fees of $5,000.00.

29.The lawsuit continues to be litigated.

30.To date, Mr. Rosser has failed to contact Kelly, provide a copy of the client file, identity or account for the legal services provided, or return any unearned fees.

31.On August 6, 2025, the State Bar e-mailed an initial screening letter to Mr. Rosser at his last known e-mail address with the State Bar requesting that Mr. Rosser submit a written response in twenty days. The letter also explained that his failure to do so was a sanctionable event.

32.Mr. Rosser failed to provide the State Bar with the requested written response or otherwise contact the State Bar.

33.On September 29, 2025, the State Bar e-mailed a follow up screening letter to Mr. Rosser at his last known e-mail address documenting his failure to respond to the bar charge and again requesting that Mr. Rosser submit a written response to the State Bar. The letter again explained that his failure to do so was a sanctionable event.

34. To date, Mr. Rosser has not provided the State Bar with the requested written response or otherwise contact the State Bar.

35. By engaging in the above-referenced misconduct, Mr. Rosser violated the following ethical rules:

> Rule 42, Ariz. R. Sup. Ct., ER 1.2 by failing to abide by the directions of the client; ER 1.3 by failing to act diligently during the representation; ER 1.4 by failing to reasonably communicate with the client; ER 1.5 by charging and retaining an unreasonable fee for the legal services provided; ER 1.15(d) by failing to provide the client with an accounting for all prepaid fees; ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation including the return of all unearned fees; ER 8.1(b) by knowingly failing to respond to a lawful demand for information from the discipline authority; ER 8.4(d) by engaging in conduct prejudicial to the administration of justice;
>
> and
>
> Rule 54(d), Ariz. R. Sup. Ct. by failing to furnish or respond promptly to an inquiry by the State Bar.

COUNT THREE (File No. 25-1863/Kohl)

36. On December 16, 2024, Dawnylle Kohl hired Mr. Rosser and paid

him $5,000.00 to represent her in a pending lawsuit. Mr. Rosser filed a notice of appearance and the case proceeded in ordinary course for approximately three months.

37.On April 18, 2025, Mr. Rosser had his last communication with Kohl.

38.Between April 18, 2025 and July 17, 2025, Kohl attempted to contact Mr. Rosser via multiple phone calls and emails regarding the status of the case, without response.

39.On May 30, 2025, the court scheduled a trial for August 5, 2025 at 9:30 a.m. Mr. Rosser was endorsed on the minute entry but failed to notify Kohl of the hearing.

40.An amended minute entry was entered ordering the parties to submit a certification as to their readiness to proceed with an ADR settlement conference no later than July 1, 2025. Mr. Rosser was endorsed on the minute entry but failed to notify Kohl of the court's order.

41.Neither party submitted the court ordered certification.

42.On July 9, 2025, after attempting to call Mr. Rosser, Kohl called the court and discovered the July 1st court order and Mr. Rosser's failure to comply. Kohl then attempted to contact Mr. Rosser's wife via Facebook.

43. On July 16, 2025, Kohl made her last attempt to contact Mr. Rosser before hiring successor counsel.

44. On July 22, 2025, Kohl's successor counsel filed a substitution of counsel and the trial was continued.

45. On July 24, 2025, Kohl made her last attempt to contact Mr. Rosser. To date, Kohl has not received the client file or an accounting for the prepaid legal fees.

46. The lawsuit continues to be litigated.

47. On August 6, 2025, the State Bar e-mailed an initial screening letter to Mr. Rosser at his last known e-mail address with the State Bar requesting that Mr. Rosser submit a written response in twenty days. The letter also explained that his failure to do so was a sanctionable event.

48. Mr. Rosser failed to provide the State Bar with the requested written response or otherwise contact the State Bar.

49. On September 29, 2025, the State Bar e-mailed a follow up screening

letter to Mr. Rosser at his last known e-mail address documenting his failure to respond to the bar charge and again requesting that Mr. Rosser submit a written response to the State Bar. The letter again explained that his failure to do so was a sanctionable event.

50. To date, Mr. Rosser has not provided the State Bar with the requested written response or otherwise contact the State Bar.

51. By engaging in the above-referenced misconduct, Respondent violated the following ethical rules:

> Rule 42, Ariz. R. Sup. Ct.,
> ER 1.2 by failing to abide by the directions of the client; ER 1.3 by failing to act diligently during the representation; ER 1.4 by failing to reasonably communicate with the client; ER 1.5 by charging and retaining an unreasonable fee for the legal services provided; ER 1.15(d) by failing to provide the client with an accounting for all prepaid fees; ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation including the return of all unearned fees; ER 8.1(b) by knowingly failing to respond to a lawful demand for information from the discipline authority; ER 8.4(d) by engaging in conduct prejudicial to the administration of justice;
> and
> Rule 54(d), Ariz. R. Sup. Ct. by failing to furnish or respond promptly to an inquiry by the State Bar.

COUNT FOUR (File No. 25-2186/Horton)

52. In March 2023, Renee Horton hired Mr. Rosser and paid $10,000.00 to represent her in a probate case. Mr. Rosser filed a notice of appearance and filed an unsuccessful motion to dismiss.

53. On April 8, 2025, Mr. Rosser appeared at a virtual scheduling conference and the court directed the parties to file a request if an anticipated settlement conference was not successful. This was the last time Mr. Rosser took any substantive action in the lawsuit.

54. On April 18, 2025, Mr. Rosser sent Horton his last communication regarding the case.

55. Beginning May 1, 2025, Horton attempted to contact Mr. Rosser via phone calls and e-mails regarding the status of the case, without response.

56. On August 18, 2025, the court scheduled a pre-trial conference for September 4, 2025. Mr. Rosser was endorsed on the minute entry but failed to notify Horton of the court's order.

57. Having received no response from Mr. Rosser, Horton hired successor counsel.

58. On September 15, 2025, successor counsel filed a notice of

appearance on behalf of Horton and the lawsuit continues to be litigated.

59. On August 29, 2025, the State Bar e-mailed an initial screening letter to Mr. Rosser at his last known e-mail address with the State Bar requesting Mr. Rosser submit a written response in twenty days. The letter also explained that his failure to do so was a sanctionable event.

60. Mr. Rosser failed to provide the State Bar with the requested written response or otherwise contact the State Bar.

61. On September 29, 2025, the State Bar e-mailed a follow up screening letter to Mr. Rosser at his last known e-mail address documenting his failure to respond to the bar charge and again requesting that Mr. Rosser submit a written response to the State Bar. The letter again explained that his failure to do so was a sanctionable event.

62. To date, Mr. Rosser has not provided the State Bar with the requested written response or otherwise contact the State Bar.

63. By engaging in the above-referenced misconduct, Mr. Rosser violated the following ethical rules:

> Rule 42, Ariz. R. Sup. Ct.,
> ER 1.2 by failing to abide by the directions of the client; ER 1.3 by failing to act diligently during the representation; ER 1.4 by failing to reasonably

communicate with the client; ER 1.5 by charging and retaining an unreasonable fee for the legal services provided; ER 1.15(d) by failing to provide the client with an accounting for all prepaid fees; ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation including the return of all unearned fees; ER 3.2 by failing to expedite litigation; ER 3.4(c) by knowingly disobeying an obligation under the rules of the tribunal; ER 8.1(b) by knowingly failing to respond to a lawful demand for information from the discipline authority; ER 8.4(d) by engaging in conduct prejudicial to the administration of justice; Rule 54(c), Ariz. R. Sup. Ct. by knowingly violating a court order;

and

Rule 54(d), Ariz. R. Sup. Ct. by failing to furnish or respond promptly to an inquiry by the State Bar.

COUNT FIVE (File No. 25-2341/Judicial Referral)

64. On June 30, 2024, Mr. Rosser filed a notice of appearance on behalf of Dobbins Wealth Management PLLC, et. al. in a pending lawsuit. On July 12, 2024, Mr. Rosser filed an answer and counterclaim and the case proceeded in ordinary course.

65. On April 10th and 14th, 2025, Mr. Rosser filed documents with the court on behalf of his clients. These filings were Mr. Rosser's last actions in the case.

66.On April 21, 2025, opposing counsel filed a Rule 26(d) Statement of Dispute and Certificate of Consultation outlining:

- Mr. Rosser's failure to timely respond to opposing counsel's first set of discovery requests dated January 30, 2025 (requests for production, requests for admission, and interrogatories);
- Mr. Rosser's promise to provide the untimely responses no later than March 21, 2025;
- The deficiencies of Mr. Rosser's untimely responses provided on March 21st along with deficiencies of purported "supplemental responses";
- Mr. Rosser's failure to provide his portion of opposing counsel's joint statement of discovery dispute despite multiple requests; and
- Opposing counsel's unsuccessful attempts to contact Mr. Rosser and their inability to schedule a meet and confer.

67.Mr. Rosser did not file a response.

68.On April 23, 2025, the court scheduled a virtual oral argument on a pending motion to dismiss for August 15, 2025.

69.On May 1, 2025, the court issued a ruling ordering Mr. Rosser to provide supplemental responses to the discovery requests no later than May 19, 2025.

70.Mr. Rosser did not provide the court-ordered supplemental responses.

71.On May 29, 2025, opposing counsel filed a motion for sanctions based on Mr. Rosser's failures requesting an order deeming the requests for admission as admitted, prohibiting Mr. Rosser's client from introducing any documents which were not provided in response to the requests for production, and entering an order directing the trier of fact to infer that any documents responsive to the requests for production would have supported their claims against Mr. Rosser's clients.

72. That day, successor counsel filed a notice of appearance on behalf of Mr. Rosser's clients and a response to the motion for sanctions on June 17, 2025.

73. The response claims, among other things, that:

- Mr. Rosser failed to inform the clients of the discovery requests, disputes, filings and orders;
- Mr. Rosser's last communication with the clients occurred on April 19, 2025;
- Mr. Rosser failed to respond to multiple e-mails and phone calls from the clients and successor counsel; and
- Mr. Rosser has failed to provide the client or successor counsel with the client file despite multiple requests.

74. On August 26, 2025, the court issued a ruling on the motion for sanctions finding, in pertinent part, Mr. Rosser failed to file any documents with the court despite having been served with the sanctions request.

75. Accordingly, the court awarded the opposing party reasonable

attorney's fees of $5,359.00 solely against Mr. Rosser and his firm to be paid no later than September 10, 2025.

76. To date, Mr. Rosser has not paid the sanctions award or provided the client or successor counsel with the client file.

77. On September 12, 2025, the State Bar e-mailed an initial screening letter to Mr. Rosser at his last known e-mail address with the State Bar requesting that Mr. Rosser submit a written response in twenty days. The letter also explained that his failure to do so was a sanctionable event.

78. Mr. Rosser failed to provide the State Bar with the requested written response or otherwise contact the State Bar.

79. By engaging in the above-referenced misconduct, Mr. Rosser violated the following ethical rules:

> Rule 42, Ariz. R. Sup. Ct.,
> ER 1.2 by failing to abide by the directions of the client; ER 1.3 by failing to act diligently during the representation; ER 1.4 by failing to reasonably communicate with the client; ER 1.5 by charging and retaining an unreasonable fee for the legal services provided; ER 1.15(d) by failing to provide the client with an accounting for all prepaid fees; ER 1.16(d) by failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation including the return of all unearned fees; ER 3.2 by failing to expedite litigation; ER 3.4(c)

> by knowingly disobeying an obligation under the rules of the tribunal; ER 8.1(b) by knowingly failing to respond to a lawful demand for information from the discipline authority; ER 8.4(d) by engaging in conduct prejudicial to the administration of justice;
>
> Rule 54(c), Ariz. R. Sup. Ct. by knowingly violating a court order;
>
> and
>
> Rule 54(d), Ariz. R. Sup. Ct. by failing to furnish or respond promptly to an inquiry by the State Bar.

BAR COUNSEL AVOWALS

Bar Counsel Henley made additional avowals to update the record and or in response to Panel members' questions:

A. Mr. Rosser's Personal events:

1. FN 2025-093005, *Cheryl Rosser v. Gary Rosser*

Bar Counsel indicated: The Petition for Dissolution of Marriage was filed by Mr. Rosser's spouse on August 6, 2025. Mr. Rosser was served with the pleading with the assistance of his sister (who traveled from out of state) on August 12, 2025. An application for Default was filed on September 19, 2025. A default Decree of Dissolution of Marriage was issued November 5, 2025.

Exhibits 4–6 (Bates 019-025) were admitted. Exhibit 4 is a postdecree notice and request for clarification ("Notice") filed on behalf of the Court Appointed Real Estate Special Commissioner ("RESC"), filed on December 15, 2025. The Notice reflects that Mr. Rosser was still in possession of the martial residence (36009 N. 33nd Lane, Phoenix, AZ 85086) and had not provided the RESC access or a response to RESC's request for access since such occurred on or about November 23, 2025. Exhibit 5 is the Family court's Order, directing Mr. Rosser and all other occupants including pets to vacate, dated January 28, 2026. Exhibit 6 is the certificate of service, reflecting notice of Exhibit 5 by posting on the martial residence on January 30, 2026.

2. Phoenix Police Incident Report.

Exhibit 1 was admitted. It is a Phoenix Police Incident report dated May 2, 2024, at 10:15 p.m., suggesting that Mr. Rosser may have been in a moment of crisis for which Mr. Rosser agreed to leave the martial home and obtain medical care.

B. The Injury to the Complainants, public and the profession

1. Mr. Rosser and his spouse's relationship with the Complainants/Clients: Bar Counsel indicated that Mr. Rosser and his spouse had a pre-existing relationship with each of the clients involved in all

five counts listed in the Complaint. The Complainants for Counts 1-4 expressed to the State Bar that they had been abandoned both in their personal relationships and in their legal matters involving Mr. Rosser. This caused these Complainants to express a concern about the profession and diminished their confidence in lawyers and their view of the legal profession.

2. Actual Injury with regard to monies paid by Complainants in Counts 1-3 to Mr. Rosser for legal services ultimately without any value received in return and/or no refund of those monies.

3. With regard to the financial cost to Mr. Rosser's client Dobbins Wealth Management, reflected in Count five, Bar Counsel addressed a Panel Member's specific question regarding the extent of the losses for the client given the timing of the abandonment in the litigation. Bar Counsel indicated that Dobbins Wealth Management has filed a civil complaint against Mr. Rosser and his firm for Legal Malpractice - Professional Negligence and Breach of Fiduciary Duty as reflected in Exhibit 2 (Bates 004-016). The Panel notes that the civil complaint alleges damages suffered in the amount of

$721,552.50 due to Mr. Rosser's failure to participate in representation of his client Dobbins Wealth Management.

4. Bar Counsel went on to describe how Mr. Rosser violated his duty to the legal system, failed to withdraw, knowingly violated a court order, failed to comply with his obligations as attorney of record, knowingly failing to perform any number of tasks for the benefit of his clients, failed to contact the disciplinary authority or even participate in this proceeding. The actions and subsequent actions that the clients had to engage in to get their cases back on track due to his failure to comply with his ethical obligations, Bar Counsel submitted, were demonstrations of the actual harm Mr. Rosser caused.

C. State Bar Efforts/Concerns

Bar Counsel Henley described directing the State Bar Investigator (who was present and prepared to testify) to "take extra efforts in reaching out to Mr. Rosser, because we've received some concerning information." The State Bar became aware that Mr. Rosser did not appear for his divorce proceedings. The investigator went to the martial residence on more than one occasion to try to make contact with Mr. Rosser. While the investigator could see via video that Mr. Rosser was present, Mr. Rosser did not answer the door. The State Bar anticipates including these efforts in the statement of cost.

CONCLUSIONS OF LAW

Mr. Rosser failed to file an answer or otherwise defend against the allegations in the State Bar's Complaint.

Default was properly entered February 4, 2026 and the allegations are therefore deemed admitted pursuant to Rule 58(d), Ariz. R. Sup. Ct.

Based upon the facts deemed admitted and the admitted exhibits, the Panel finds, by clear and convincing evidence, that Mr. Rosser violated the following:

In Counts One, Two and Three: Rule 42, Ariz. R. Sup. Ct., ER 1.2 (failing to abide by the directions of the client), ER 1.3 (failing to act diligently during the representation), ER 1.4 (failing to reasonably communicate with the client), ER 1.5 (charging and retaining an unreasonable fee), ER 1.15(d) (failing to render a full accounting for all prepaid fees), ER 1.16(d) (failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation including the return of all unearned fees), ER 8.1(b) (knowingly failing to respond to a lawful demand for information from the discipline authority), ER 8.4(d) (engaging in conduct that is prejudicial to the administration of justice), and Rule 54(d) (violation of any obligation in a disciplinary investigation), Ariz. R. Sup. Ct.

In Counts Four and Five: Rule 42, Ariz. R. Sup. Ct., ER 1.2 (failing to abide by the directions of the client), ER 1.3 (failing to act diligently during the representation), ER 1.4 (failing to reasonably communicate with the client), ER 1.5 (charging and retaining an unreasonable fee), ER 1.15(d) (failing to render a full accounting for all prepaid fees), ER 1.16(d) (failing to take the steps reasonably practicable to protect the client's interests at the termination of the representation including the return of all unearned fees), ER 3.2 (failure to expedite litigation), ER 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), ER 8.1(b) (knowingly failing to respond to a lawful demand for information from the discipline authority), ER 8.4(d) (engaging in conduct that is prejudicial to the administration of justice), Rule 54(c) (knowing violation of any rule or any order of the court), Ariz. R. Sup. Ct., and Rule 54(D) (violation of any obligation in a disciplinary investigation), 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*"). 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.[2]

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

Duties violated:

Mr. Rosser violated his duty to clients by violating Rule 42, Ariz. R. Sup. Ct., ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER 1.15(d), and ER 1.16(d).

Mr. Rosser also violated his duty owed to the legal system as a professional by violating Rule 42, Ariz. R. Sup. Ct., ER 3.2, ER 3.4(c), ER 8.4(d), and Rule 54(c), Ariz. R. Sup. Ct.

[2] ***See*** ABA *Standard* 3.0

Mr. Rosser also violated his duty as a professional by violating Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct.

<u>Mental State:</u>

Mr. Rosser knowingly violated his duties to his clients and the legal system. 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.

<u>Injury:</u>

The Panel finds that Mr. Rosser's clients, as well as the profession, suffered actual harm in addition to potential harm. The record supports such, given the financial loss of his clients (who were also friends), not only for the lack of services provided for funds paid to Mr. Rosser, but also for the cost/exposure that these clients faced due to Mr. Rosser's abandonment of their legal representation.

Further, it is not missed on the Panel that these clients have expressed some of the emotional harm that they have suffered as well as the distrust of the legal profession due to Mr. Rosser's inaction.

Standards considered:

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

Rule 42, Ariz. R. Sup. Ct., ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER 1.15(d), and ER 1.16(d):

ABA *Standard* 4.42

> Suspension is generally appropriate when:
>
> > (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or
> > (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

Rule 42, Ariz. R. Sup. Ct., ER 3.2, ER 3.4(c), and ER 8.4(d):

ABA *Standard* 6.22

> Suspension is appropriate when a lawyer knowingly violates 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 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct.:

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* 4.42, 6.22, and 7.2 are all applicable.

The State Bar has requested that Mr. Rosser be suspended.

Aggravation/Mitigation:

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

1. 9.22(c) a pattern of misconduct;
2. 9.22(d) multiple offenses;
3. 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency;
4. 9.22(i) substantial experience in the practice of law.

The Panel finds that the following mitigating factor is supported by the record:

1. 9.32(a) absence of a prior disciplinary record.

The Panel considered the concerns with regard to the potential emotional and/or personal issues that may be effecting Mr. Rosser currently but finds that it is premature to consider a finding of mitigation at this time in that regard.

In considering the appropriate sanction in Mr. Rosser's matter, the Panel began its consideration with the presumptive sanction of suspension. The Panel considered the level of actual injury/harm caused by Mr. Rosser in this Complaint; this coupled with the aggravating factors identified. The Panel finds that Mr. Rosser currently poses a danger to the public and the profession. The Panel did consider disbarment. However, the Panel has weighed such against the mitigating fact that, despite Mr. Rosser having practiced for over 33 years, this is his first disciplinary matter (which has occurred in close proximity to the traumatic event of divorce) in finding that the requested two-year suspension is appropriate in Mr. Rosser's matter.

The Panel relies on the fact that Mr. Rosser would need to successfully present a request for reinstatement pursuant to Rule 65, Ariz. R. Sup. Ct., before a hearing panel to the satisfaction of the Arizona Supreme Court in order to return to the practice of law. As well, the Panel understands that if Mr. Rosser was successful in reinstatement proceedings, a probation term could be determined to be warranted at that time.

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

CONCLUSION

Based on the foregoing, the Panel orders as follows:

1) **GARY L. ROSSER, Bar No. 014632**, shall be suspended for a period of two (2) years, effective **immediately**.
2) Mr. Rosser shall pay all costs and expenses incurred by the State Bar of Arizona in this proceeding.
3) Mr. Rosser shall pay restitution in the amounts below within thirty (30) days of entry of the final judgment and order:
   - Count One: Charlotte Fawcett in the amount of $4,780.00;
   - Count Two: Sherrie Kelly in the amount of $5,000.00;
   - Count Three: Dawnyelle Kohl in the amount of $5,000.00;
   - Count Four: Renee Horton in the amount of $10,000.00;

- Count Five: Pay $5,359.00 to Eric ViaVattene, this order is reflective of the sanction award against Mr. Rosser and his law firm in the Maricopa County Superior Court case of *Eric ViaVattene, et. al. v. Dobbins Wealth Management PLLC, et. al.*, CV2024-014046 reflected in the August 26, 2025 Ruling on Plaintiffs'/Counter-Defendants' Motion for Rule 37(b) Sanctions, filed August 26, 2025.

A final judgment and order will follow.

DATED this 25th day of March, 2026.

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

/s/ signature on file
Teri M. Rowe, Attorney Member

/s/ signature on file
Randall Clark, Public Member

Copy of the foregoing emailed
this 25th day of March, to:

Gary L. Rosser
glrosser@rosserlawgroup.com

Craig D. Henley
LRO@staff.azbar.org

by: CLopez