

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

BRUCE D. BRIDEGROOM,
Bar No. 002649

Respondent.

PDJ 2017-9117

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 16-2945]

FILED NOVEMBER 9, 2017

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on November 1, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts and incorporates the parties' proposed agreement herein. Accordingly:

IT IS ORDERED Respondent, **Bruce D. Bridegroom**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct effective the date of this order, as outlined in the consent documents.

IT IS FURTHER ORDERED Mr. Bridegroom shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within thirty (30) days from the date of this order.

DATED this 9th day of November, 2017

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

COPY of the foregoing e-mailed on this 9th day of November 2017,
and mailed November 13, 2017, to:

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

J. Scott Rhodes
Jessica L. Beckwith
Jennings, Strouss & Salmon, PLC
One East Washington Street, Suite 1900
Phoenix, AZ 85004-2554
Email: MinuteEntries@jsslaw.com
Respondent's Counsel

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

BRUCE D. BRIDEGROOM,
Bar No. 002649

Respondent.

PDJ-2017-9117

**DECISION AND ORDER
ACCEPTING DISCIPLINE BY
CONSENT**

[State Bar No. 16-2945]

FILED NOVEMBER 9, 2017

A Probable Cause Order issued on September 6, 2017. The parties filed their Agreement for Discipline by Consent filed on November 1, 2017 pursuant to Rule 57(a), Ariz. R. Sup. Ct., and prior to the issuance of a formal complaint.

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline....” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved....” If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Mr. Bridegroom has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. The State Bar is the complainant in this matter therefore, notice of this Agreement and an opportunity to object as required by Rule 53(b)(3), Ariz. R. Sup. Ct., is not needed.12, 2017.

The Agreement details a factual basis to support the conditional admissions. Mr. Bridegroom conditionally admits he violated Rule 42, ERs 4.4(a) (respect for rights of others) and 8.4(d) (conduct prejudicial to the administration). The agreed upon sanctions include a reprimand and costs of these disciplinary proceedings totaling \$1,200.00 within thirty (30) days from the date of this order. The conditional admissions are stated within the agreement which is incorporated by this reference.

Rule 58(k) provides sanctions shall be determined under the *American Bar Association Standards for Imposing Lawyer Sanctions*, (“Standards”).

The parties agree *Standard 6.23, Abuse of the Legal System* applies to Mr. Bridegrooms’ violation of ER 4.4 and provides that reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

As stipulated, Mr. Bridegroom negligently violated his duty to the legal system causing actual injury to the client and potential interference with a legal proceeding. His conduct in emailing the opposing party’s commanding officer interfered with the legal system.

The parties agree aggravating factors *Standard 9.22(a)* prior disciplinary offenses and 9.22(i) substantial experience in the practice of law are present. The factors present in mitigation are *Standard 9.32(b)* absence of a dishonest or selfish motive, 9.32(e) full and free disclosure and cooperative attitude toward proceedings.

After consideration of the aggravating factor and the mitigating factors, the parties further agree the presumptive sanction of reprimand is an appropriate sanction. Attorney discipline serves to protect the public, the profession and the administration of justice. The PDJ determined the objective of discipline is met by the reprimand.

Now therefore,

IT IS ORDERED accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are reprimand and the payment of costs within thirty (30) days. There are no costs incurred by the Office of the Presiding Disciplinary Judge. A final judgment and order is signed this date.

DATED this 9th day of November, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed on this 9th day of November 2017, and mailed November 13, 2017, to:

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

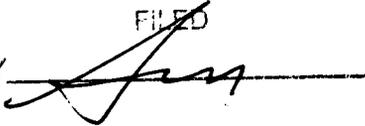
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Respondent's Counsel

by: AMcQueen

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

NOV 1 2017

FILED
BY 

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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

BRUCE D. BRIDEGROOM
Bar No. 002649

Respondent.

PDJ 2017-9117
[State Bar File No. 16-2945]

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Bruce D. Bridegroom, who is represented in this matter by counsel, J. Scott Rhodes and Jessica L. Beckwith, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on

September 6, 2017, 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 4.4(a) and ER 8.4(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: **Reprimand**.

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.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

¹ 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.

**FACTS
GENERAL ALLEGATIONS**

Respondent was licensed to practice law in Arizona on September 26, 1970.

**COUNT ONE
(File no. 16-2945/ State Bar of Arizona)**

1. Respondent represented a family member of Respondent's significant other (the client is referred to herein as "Father") pro bono, in a marital dissolution with children matter. At the time of the representation, Father was a young man of limited means studying to be a physician's assistant.

2. The underlying matter involved a bitterly contested marital dissolution action, based on accusations of sexual abuse by Father against his now ex-wife ("Mother") as well as allegations of child abuse by Father. The parties had a child ("Child") approximately one year before they got married, but Father was not the presumptive father, which led to Father having to establish paternity when Mother filed for dissolution of the marriage.

3. On April 15, 2016, Mother, through her attorney, initiated the Pima County divorce proceedings as the Petitioner by filing a Dissolution with Children and Affidavit re: Minor Children. In the Affidavit re: Minor Children, Mother stated that Child's address for the preceding five years was in Tucson.

4. In May 2016, Mother and Child moved to Texas. During the pendency of the Pima County case, Mother, through the El Paso County Texas County Attorney, filed an Application for Protective Order (Application) on June 22, 2016 in the 383rd Judicial District Court of El Paso County Texas. The Application stated that both Mother and Father are residents of El Paso County, Texas. The Application requested a Protective Order for Mother based on the allegation that Father “has engaged in an act of sexual assault against her” or, in the alternative, that Father “has engaged in acts of family violence against her.”

5. On July 12, 2016, Mother, through the El Paso County Texas County Attorney, filed a First Amended Application for Protective Order (Amended Application). The Amended Application stated that Father was a resident of Pima County, Arizona (which differed from the original Application’s claim that Father was a resident of El Paso County, Texas.) Father contends that he was never served with the Amended Application. For purposes of this agreement, the State Bar does not contest the proffered testimony.

6. Father and Respondent believed that Mother had implemented a plan to deceive at least one, if not two, courts in an attempt to obtain sole custody of Child by making false claims about Father as well as false claims about where she and

Child were residing. For purposes of this agreement, the State Bar does not contest the proffered testimony.

7. During the representation, on August 24, 2016, Respondent, after consultation with and approval by Father, sent an email to Mother's commanding general, with a carbon copy to Mother's counsel, and made serious allegations about Mother based on information from Father that Respondent believed in good faith was accurate. These allegations included:

- a. Mother took Child from Arizona to Texas, left him with unknown persons, and did not reveal Child's location to Father,
- b. Mother made false statements in her Affidavit on Minor Children,
- c. Mother violated the preliminary injunction issued by the Court,
- d. Mother lied about Father being in Texas,
- e. Mother lied about Father sexually assaulting her.

8. Respondent sent the email to Mother's commanding general with the intention of protecting Father's interests. The purpose of the email was to inform Mother's superiors of her conduct, which both Respondent and Father believed in

good faith to be dishonest and inappropriate. For purposes of this agreement, the State Bar does not contest the proffered testimony.

9. Respondent chose to write to Mother's commanding officer as a possible avenue for assistance for Father in addition to the court system. He felt this was necessary, because Mother had used two different court systems against Father, and had made what Father and Respondent believed to be divergent factual representations (relating to Mother and Child's current residence) to each court. Respondent viewed these rapid-fire litigation tactics, which included what he believed in good faith and after reasonable inquiry to be wildly inaccurate statements about Father, as a scorched-earth strategy -- one that his client did not have the means to resist. For purposes of this agreement, the State Bar does not contest the proffered testimony.

10. Judge Ken Sanders (Judge Sanders), the judge in the dissolution proceedings, issued a minute entry and found that the email served no legitimate purpose and was sent to harass Mother.

11. Judge Sanders sent a copy of his September 8, 2016, minute entry to the State Bar, which reads in part:

The Court admonishes [Respondent] regarding the letter [email] contained in Petitioner's Exhibit 2.

The Court notes that the email was sent August 24, 2016, approximately three months after the Respondent [Father] was served with the Preliminary Injunction. The Preliminary Injunction provides, [...] that both parties are enjoined from molesting harassing, disturbing the peace of or committing an assault or battery on, the person of the other party or any natural or adoptive child of the parties.

THE COURT FINDS, [...] that the email sent by [Respondent] to Petitioner's [Mother] commanding general on August 24, 2016 served no legitimate purpose in the furtherance of this litigation and contains one demonstratively false statement. The letter was sent for the purpose of harassing the Petitioner [Mother], is considered a violation of the Preliminary Injunction as it indulges in improper personal attacks against the Petitioner [Mother].

12. On October 27, 2016, the Court issued an under advisement ruling concerning temporary orders. In the minute entry the Court found that :

Respondent [Father] argues that Petitioner [Mother] violated the preliminary injunction by removing [Child] to Texas in May of 2016, after the injunction was in place. The preliminary injunction issued in all actions for dissolution of marriage enjoins the parties from, among other things, "[r]emoving any natural or adopted child of the parties then residing in Arizona from the jurisdiction of the court without the prior written consent of the parties or the permission of the court." [...] At the time Petitioner [Mother] removed [Child] to Texas, Respondent [Father] was not [Child]'s natural parent since his paternity was not yet established. Put differently, until the July 8, 2016, Order of Paternity, [Child] was not established as Respondent's [Father] 'genetic child.' [...] Given that Respondent [Father] had no legal right to custody of [Child], he was not protected by the preliminary injunction, and Petitioner [Mother] did not violate the injunction by removing [Child] from Arizona.

13. The Court also found that there was credible evidence of domestic violence perpetrated by Father against Mother, as well as instances of Father abusing Child.

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.

In a divorce proceeding, Respondent represented Father. During the pendency of the proceedings, Mother was an active duty member of the U.S. Army. Respondent conditionally admits that he sent an email to Mother's commanding general making serious allegations about Mother's integrity and honesty based on information he obtained from Father and in good faith believed to be true. The email contained improper personal attacks against Mother, served no legitimate purpose, and was used solely to harass Mother. Respondent's conduct violated ER 4.4(a) and 8.4(d), Ariz. R. Sup. Ct.

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**.

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 Respondent negligently violated his duty to the legal system by violating ERs 4.4 and 8.4(d), which caused injury to Mother and potential interference with a legal proceeding. I do not agree to change this sentence.

The parties agree that *Standard 6.23* is the appropriate *Standard* given the facts and circumstances of this matter. *Standard 6.23* provides that reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding. Respondent's actions served no legitimate purpose, and were harassing to the opposing party, and interfered with legal proceedings.

Aggravating and mitigating circumstances

After misconduct has been established, aggravating or mitigating circumstances may be considered in deciding what sanction to impose. See *Standard 9.1*.

Standard 9.22 Aggravation factors:

- (a) prior disciplinary offenses: Reprimand and one-year probation for trust account violations; file no. 14-2635. (Probation completed December, 6, 2016.)

- (i) substantial experience in the practice of law.

Standard 9.32 Mitigating factors:

- (b) Absence of a Dishonest or Selfish Motive
- (e) Full and Free Disclosure and Cooperative Attitude Toward Proceedings

The aggravating and mitigating factors do not support a deviation from the presumptive sanction. Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that a Reprimand is the 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 and the imposition of costs and expenses. A proposed form order is attached as Exhibit B.

DATED this 1st day of ~~October~~ ^{November, SM} 2017

STATE BAR OF ARIZONA



Shauna R. Miller
Senior Bar Counsel

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

DATED this _____ day of October, 2017.

Bruce D. Bridegroom
Respondent

DATED this _____ day of October, 2017.

Jennings, Strouss, & Salmon PLC

J. Scott Rhodes
Jessica L. Beckwith
Counsel for Respondent

Approved as to form and content


Maret Vessella
Chief Bar Counsel

STATE BAR OF ARIZONA

Shauna R. Miller
Senior Bar Counsel

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

DATED this 25 day of October, 2017.



Bruce D. Bridegroom
Respondent

DATED this 25th day of October, 2017.

Jennings, Strouss, & Salmon PLC



J. Scott Rhodes
Jessica L. Beckwith
Counsel for Respondent

Approved as to form and content

Maret Vessella
Chief Bar Counsel
Original filed with the Disciplinary Clerk of

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 15th day of November, 2017.

Copy of the foregoing emailed
this 15th day of November, 2017, 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

Copy of the foregoing mailed/emailed
this 15th day of November, 2017, to:

J. Scott Rhodes
Jessica L. Beckwith
Jennings, Strouss, & Salmon PLC
One E. Washington St., Ste. 1900
Phoenix, AZ 85004-2554
Email: srhodes@jsslaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 15th day of November, 2017, to:

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

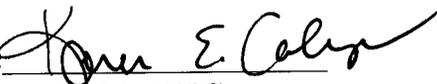
by: 
SRM: KEC

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Bruce D. Bridegroom, Bar No. 002649, Respondent

File No. 16-2945

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

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

BRUCE D. BRIDEGROOM,
Bar No. 002649,

Respondent.

PDJ 2017 - _____
[State Bar No. 16-2945]

**FINAL JUDGMENT AND
ORDER**

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, **Bruce D. Bridegroom**, is hereby reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, specifically ERs 4.4(a) and 8.4(d), as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, 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 \$1,200, within 30 days from the date of service of this Order.

DATED this _____ day of October, 2017

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 October, 2017.

Copies of the foregoing mailed/emailed this _____ day of October, 2017, to:

J. Scott Rhodes
Jessica L. Beckwith
Jennings, Strouss, & Salmon PLC
One E. Washington St., Ste. 1900
Phoenix, AZ 85004-2554
Email: srhodes@jsslw.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered this ____ day of October, 2017, to:

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of October, 2017 to:

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

by: _____

FILED

SEP 06 2017

BY H. Lebrun

**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,**

**BRUCE D. BRIDEGROOM
Bar No. 002649**

Respondent.

No. 16-2945

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on August 11, 2017, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-2945.

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 Wth day of September, 2017.

Daisy Flores

Daisy Flores, Vice Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

¹ Committee member Judge Lawrence F. Winthrop did not participate in this matter.

Original filed this 6th day
of September, 2017 with:

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

Copy mailed this 7th day
of September, 2017, to:

J. Scott Rhodes
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One E. Washington St., Ste 1900
Phoenix, Arizona 85004-2554
Respondent's Counsel

Copy emailed this 7th day
of September, 2017, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
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by: Karen E. Calcagno