

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

JENNIFER MELISSA BROWN,
Bar No. 023602

Respondent.

PDJ-2016-9129

**FINAL JUDGMENT AND
ORDER**

[State Bar File Nos. 16-0227, 16-
0528 & 16-2616]

FILED MARCH 22, 2017

The decision of the hearing panel was filed with the disciplinary clerk on February 28, 2017. The time for appeal has passed and no appeal has been filed.

Now Therefore,

IT IS ORDERED Respondent, **JENNIFER MELISSA BROWN, Bar No. 023602**, is suspended from the practice of law for two (2) years effective March 30, 2017.

IT IS FURTHER ORDERED Ms. Brown shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED Ms. Brown shall pay restitution, plus interest at the statutory rate, of:

\$4,000.00 to Jennifer Porman; and

\$2,600.00 to Rose Isaac.

IT IS FURTHER ORDERED Ms. Brown shall pay the costs and expenses of the State Bar of Arizona in the amount of \$2,062.70, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 22nd day of March, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing e-mailed/mailed
this 22nd day of March, to:

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Respondent

Bradley F. Perry
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Jennifer Melissa Brown
7780 S. Bonarden Lane
Tempe, AZ 85284

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

JENNIFER MELISSA BROWN,
Bar No. 023602,

Respondent.

PDJ 2016-9129

**DECISION AND ORDER
IMPOSING SANCTIONS**

[State Bar Nos. 16-0227, 16-0528,
16-2616]

FILED FEBRUARY 28, 2017

On February 23, 2017, the Hearing Panel, comprised of James M. Marovich, attorney member, Michael Snitz, public member, and Presiding Disciplinary Judge (“PDJ”) William J. O’Neil, held an aggravation/mitigation hearing. Bradley F. Perry appeared on behalf of the State Bar of Arizona. Jennifer Melissa Brown did not appear.

Bar Counsel detailed the multiple efforts to contact and locate Ms. Brown. These included multiple calls and messages left to her personal and business phone numbers. An investigator was sent and located her, leaving her detailed information of the names and addresses of State Bar individuals to contact. The Hearing Panel is satisfied Bar Counsel went above and beyond to assure the involvement of Ms. Brown in these proceedings.

Although the allegations are deemed admitted by default, there has also been an independent determination by the Hearing Panel that the State Bar has proven by clear and convincing evidence that Ms. Brown violated the ethical rules. The State Bar had witnesses available to testify telephonically and avowed their testimony is consistent with the allegations in the complaint. Forty-eight (48) exhibits were admitted to undergird the allegations. We find these establish by clear and convincing evidence the accuracy of the allegations within the complaint.

PROCEDURAL HISTORY

The State Bar of Arizona (“SBA”) filed its Complaint on December 19, 2016. On December 20, 2016, the Complaint was served on Ms. Brown by certified, delivery restricted mail, and by regular first class mail, pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge (“PDJ”) was assigned to the matter. A notice of default was properly issued on January 18, 2017. Ms. Brown filed no answer or otherwise defended against the complainant’s allegations and default was effective on February 7, 2017. A notice of aggravation and mitigation hearing was sent to all parties notifying them the aggravation mitigating hearing was scheduled for February 23, 2017, at the State Courts Building, 1501 West Washington Street, Phoenix, Arizona 85007-3231.

A respondent against whom an effective default has been entered may not litigate the merits of the factual allegations, but retains the right to appear and

participate in the hearing that will determine the sanctions. Included with that right to appear is the ability to testify and the right to cross-examine witnesses, in each instance only to establish facts related to aggravation and mitigation.

FINDINGS OF FACT

The facts listed below are those set forth in the SBA's Complaint and were deemed admitted by Ms. Brown's default.

1. Ms. Brown was a lawyer licensed to practice law in Arizona having been first admitted to practice in Arizona on October 3, 2005.

COUNT ONE (File No. 16-0227/Porman)

2. Jennifer Porman hired Ms. Brown in September 2015 to represent her in a divorce. Ms. Porman¹ paid Ms. Brown an initial retainer of \$3,000.00 and an additional \$1,000.00 during the representation. [Exhibits 47 and 48.]

3. Ms. Porman had difficulty contacting Ms. Brown in the early stage of the representation followed by a period of normal communication. The communication failed again and Ms. Brown ceased all communication with Ms. Porman in December 2015. Due to the abandonment by Ms. Brown of her client, Ms. Porman had to contact the court herself on two occasions to get information regarding deadlines and hearing dates.

¹ The complaint filed in this matter states Ms. Porman paid Ms. Brown a total of \$4,500.00. Ms. Porman reviewed her bank records in preparation for the default hearing and was only able to locate \$4,000.00 in payments to Ms. Brown.

4. The final communication between Ms. Porman and Ms. Brown occurred during the week following a December 1, 2015, hearing.

5. Ms. Porman subsequently tried to contact Ms. Brown at her office but no one was there.

6. Ms. Porman contacted the State Bar in January 2016 to report Ms. Brown's failure to communicate. The matter was initially assigned to a lawyer in the State Bar's Attorney/Consumer Assistance Program (ACAP) who attempted to contact Ms. Brown by telephone to discuss Ms. Porman's concerns. [Exhibits 4- 4.]

7. Ms. Brown failed to contact the ACAP attorney.

8. On January 29, 2016, an investigator from the State Bar contacted Ms. Brown in person to determine why she failed to respond to ACAP counsel. Ms. Brown indicated she was not checking her voicemails. Ms. Brown provided the investigator with her cell phone number and stated she would call the ACAP attorney. Ms. Brown failed to call.

9. On May 5, 2016, the State Bar sent Ms. Brown an initial screening letter requesting she formally respond to the Bar charge by May 25, 2016. No response was received by May 25, 2016. On June 1, 2016, the State Bar sent an additional notice via mail and email requesting a response within 10 days. Ms. Brown failed to respond. [Exhibit 5.]

10. On July 7, 2016, Ms. Brown was served at 8:44 a.m. at 7780 S. Bonarden Lane, in Tempe, Arizona with a subpoena duces tecum that requested medical records and a written response to the Bar charge in this and another matter.

11. Ms. Brown appeared at the State Bar on July 29, 2016, and provided the requested medical records, but provided no written response to the charges. Ms. Brown was told to contact Bar Counsel via phone to discuss a response. Ms. Brown failed to contact Bar Counsel.

12. Bar Counsel called Ms. Brown on August 11, 2016, asking she return the call and discuss submitting a response. Ms. Brown failed to contact Bar Counsel.

13. Ms. Brown's conduct in this count violates Rule 42 Ariz. R. Sup. Ct., ERs 1.3, 1.4, 1.5, 1.16, 3.2, 8.1, 8.4(d), and Rule 54(d) Ariz. R. Sup. Ct.

COUNT TWO (File No. 16-0528/Collins)

14. Rose Isaac hired Ms. Brown to represent her in a claim against JC Auto Repair. Isaac paid Ms. Brown \$100.00 for the initial consultation and \$2,500.00 for a retainer. The amount in controversy was less than \$2,700.00. The suit was filed in Highland Justice Court. [Exhibit 14.]

15. Ms. Brown attended a hearing with Ms. Isaac early in the case and urged Ms. Isaac to settle for \$500.00, which Isaac rejected.

16. Ms. Isaac had difficulty contacting Ms. Brown following the hearing. Ms. Isaac spoke to Ms. Brown for the last time in late 2015 and was informed trial had not been set and that Ms. Brown would contact her once trial was scheduled.

17. Ms. Brown failed to inform Ms. Isaac that trial was set for January 6, 2016. Because of the abandonment of her client, Ms. Isaac was unaware of the trial and did not appear. Because of the abandonment of her client, Ms. Brown, Jennifer Brown failed to appear for the trial and judgment was entered against Ms. Isaac for \$6,283.00.

18. As with the State Bar, Ms. Brown avoided all contact from Ms. Isaac or the new attorney she hired, Ernest Collins. She hired Mr. Collins hoping to get the judgment set aside. On February 3, 2016, Mr. Collins emailed Ms. Brown, requesting the file, an explanation why she did not appear for trial, and billing records. Because Ms. Brown would not respond, Mr. Collins followed up via email and fax on February 9, 2016, and again received no response.

19. Mr. Collins could not get the judgment set aside and on February 22, 2016 filed a bar charge. [Exhibit 15.]

20. On May 5, 2016, the State Bar sent Ms. Brown an initial screening letter requesting she formally respond to the Bar charge by May 25, 2016. No response was received by May 25, 2016. [Exhibit 16.]

21. On June 1, 2016, the State Bar sent an additional notice via mail and email requesting a response within 10 days. Ms. Brown failed to respond. [Exhibit 18.]

22. On July 7, 2016, Ms. Brown was served at 8:44 a.m. at 7780 S. Bonarden Lane, in Tempe, Arizona with a subpoena duces tecum that requested medical records and a written response to the Bar charge in this and another matter.

23. On July 28, 2016, Commissioner Myra Harris struck the notice of appeal of Ms. Isaac. In the ruling Commissioner Myra found the defense attorney knew Ms. Isaac was not being informed of the proceedings by Ms. Brown and ruled because “We have an adversarial system” there was “no duty” to assure the opponent received actual notice of the appeal and declined jurisdiction. The injury to Ms. Isaac by the abandonment of Ms. Brown caused actual damage. [Exhibit 28.]

24. Ms. Brown appeared at the State Bar on July 29, 2016, and provided some partial medical records, but provided no written response to the charges. Ms. Brown was told to contact Bar Counsel via phone to discuss a response. Ms. Brown failed to contact Bar Counsel.

25. Bar Counsel called Ms. Brown on August 11, 2016, asking she return the call and discuss submitting a response. Ms. Brown failed to contact Bar Counsel. Bar Counsel sent multiple correspondence to Ms. Brown, all of which were unanswered. [Exhibits 21, 23, 25]

26. Ms. Brown's conduct in this count violates Rule 42 Ariz. R. Sup. Ct., ERs 1.3, 1.4, 1.5, 1.16, 3.2, 8.1, 8.4(d), and Rule 54(d) Ariz. R. Sup. Ct.

COUNT THREE (File No. 16-2616/SBA)

27. Ms. Brown was placed in the State Bar's diversion program for one year on August 25, 2015, in files 14-2723 & 15-0053. [Exhibits 45-46.]

28. Ms. Brown was initially required to complete a Law Office Management Assistance Program (LOMAP) evaluation and Member Assistance Program (MAP) evaluation. On September 14, 2015, the State Bar's compliance monitor sent Ms. Brown's information to Dr. Lett, the psychologist who was to conduct the MAP evaluation. [Exhibit 38.]

29. The Compliance Monitor spoke to Ms. Brown on September 22, 2015, and scheduled a LOMAP evaluation for October 14, 2015, at 1:30 p.m. The Compliance Monitor also gave Ms. Brown Dr. Lett's information and instructed Ms. Brown to call and schedule the MAP evaluation.

30. Ms. Brown never called Dr. Lett during the diversionary period to schedule her MAP evaluation.

31. The LOMAP evaluation was completed by Steve Little on October 14, 2015, and terms were drafted and sent to Ms. Brown on November 20, 2015. Ms. Brown submitted signed terms on November 25, 2015. [Exhibit 39 and 40.]

32. The LOMAP terms required Ms. Brown to submit quarterly reports on December 31, 2015; March 31, 2016; June 30, 2016, and a final report was due August 25, 2016.

33. The Compliance Monitor received one quarterly report on January 10, 2016. The report contained no information and only reported with the single word “complete” while others answers comprised the two words, “in progress.” [Exhibit 42.]

34. The Compliance Monitor called and left a voicemail for Ms. Brown on January 13, 2016, asking that Ms. Brown re-submit the quarterly report with more detail.

35. Ms. Brown has not contacted the Compliance Monitor since the quarterly report was submitted on January 10, 2016. The Compliance Monitor attempted to call Ms. Brown on multiple occasions with no return calls.

36. Ms. Brown has been unresponsive and she did not submit her March 31, 2016; June 30, 2016, or her final August 29, 2016, quarterly report.

37. On August 12, 2016, the State Bar sent Ms. Brown a screening letter asking her to submit a written explanation concerning her failure to comply with diversion terms. Ms. Brown failed to respond by the September 1, 2016, deadline. On September 8, 2016, the State Bar sent Ms. Brown a letter requesting a response

by September 18, 2016. Ms. Brown failed to respond by the extended deadline.
[Exhibits 33-35 and 37.]

38. Ms. Brown's conduct in this count violates Rule 42 Ariz. R. Sup. Ct., ER 8.1(b), and Rule 54(d) and (e) Ariz. R. Sup. Ct.

CONCLUSIONS OF LAW

Based upon the facts deemed admitted, the Hearing Panel finds by clear and convincing evidence that Ms. Brown violated: Rule 42 Ariz. R. Sup. Ct., ERs 1.3, 1.4, 1.5, 1.16, 3.2, 8.1(b), 8.4(d), and Rule 54(d) and (e) Ariz. R. Sup. Ct.

ABA STANDARDS ANALYSIS

The American Bar Association's *Standards For Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should be considered: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*.

Duties violated:

Ms. Brown violated her duty to her clients by violating E.R.s 1.3, 1.4, and 1.5. Ms. Brown violated her duty to the legal system by violating E.R. 3.2. Ms. Brown also violated her duty owed as a professional by violating E.R.s 8.1(b) and 8.4(d), and Rule 54(d) and (e).

Mental State and Injury:

Ms. Brown violated her duty to clients, implicating *Standard 4.4*. *Standard 4.42* states:

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.

Ms. Brown knowingly failed to perform services for clients and engaged in a pattern of neglect of client matters, all of which caused injury to clients. Therefore, *Standard 4.42* applies.

Ms. Brown also violated her duty owed as a professional, which implicates *Standard 7.0*. *Standard 7.1* states, “Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.” *Standard 7.2* states, “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.”

Ms. Brown failed to comply with her terms of diversion and failed to substantively respond to the SBA’s investigation.

AGGRAVATING AND MITIGATING FACTORS

The Hearing Panel finds the following aggravating factors are present in this matter:

- *Standard 9.22(c)* – Pattern of Misconduct. Ms. Brown received two orders of diversion. [Exhibits 45, 46.] She did not comply with those terms. She was to file quarterly reports, filed only one, and has not contacted the compliance monitor since January 13, 2016, despite the compliance monitor attempting to call her on multiple times. Ms. Brown never returned the calls. [Exhibit 44.]

- *Standard 9.22(e)* – Bad faith obstruction of the disciplinary process.
- *Standard 9.22(h)* – Vulnerability of the victim.
- *Standard 9.22(j)* – Indifference to making restitution.

The Hearing Panel finds the following mitigating factor applies:

- *Standard 9.32(b)* – Absence of dishonest or selfish motive.

The Hearing Panel finds the mitigating factors do not outweigh the aggravating factors. Suspension is appropriate.

PROPORTIONALITY

In the past, the Supreme Court has consulted similar cases to assess the proportionality of the sanction recommended. *See In re Struthers*, 179 Ariz. 216, 226, 887 P.2d 789, 799 (1994). The Supreme Court has recognized that the concept

or proportionality review is “an imperfect process.” *In re Owens*, 182 Ariz. 121, 127, 893 P.3d 1284, 1290 (1995). This is because no two cases “are ever alike.” *Id.*

To have an effective system of professional sanctions, there must be internal consistency, and it is appropriate to examine sanctions imposed in cases factually similar. *See In re Peasley*, 208 Ariz. 27, 35, 90 P.3d 764, 772 (2004). However, the discipline in each case must be tailored to the individual case, as neither perfection nor absolute uniformity can be achieved. *Id.* at 208 Ariz. at ¶ 61, 90 P.3d at 778 (citing *In re Alcorn*, 202 Ariz. 62, 76, 41 P.3d 600, 614 (2002); *In re Wines*, 135 Ariz. 203, 207, 660 P.2d 454, 458 (1983)).

In *In re Chang*, PDJ 2013-9083 (2013), Ms. Brown was suspended for two years and ordered to pay restitution for violations of Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.2(a), ER 1.3, ER 1.4(a)(2), (3) & (4), ER 1.5(a), ER 1.15(d), ER 1.16(d), ER 3.2, ER 3.4(c), ER 8.1(b), and ER 8.4(d), and Rules 32(c)(3), 54(c), and 54(d)(1) and (2), Ariz. R. Sup. Ct.

In one case, Mr. Chang failed to provide his client with copies of court orders, failed to respond to his client’s numerous requests for information, and failed to keep his client reasonably informed about the status of his case. Mr. Chang failed to adequately represent his client in a post-conviction-relief proceeding and failed to help his client prepare a pro se petition, as ordered by the court. Mr. Chang failed,

at the conclusion of representation, to promptly deliver a copy of his entire file to his client.

Regarding a second client, Mr. Chang failed to timely file an opening brief, failed to adequately communicate with his client, failed to respond to his client's attempts to communicate with him, and failed to keep him reasonably informed about the status of his case. Mr. Chang charged or collected an unreasonable amount for expenses, stopped representing his client without notice, and failed to promptly deliver his file to his client or his subsequent counsel.

Mr. Chang failed to respond to some requests for information and documents during the State Bar's investigation and failed to report a current address to the State Bar within 30 days of the effective date of his address change. In addition, Mr. Chang failed to file an Answer to the State Bar's Complaint, which resulted in the entry of default. The Court found the following aggravating factors: dishonest or selfish motive, a pattern of misconduct, multiple offenses, bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency, vulnerability of the victims, and substantial experience in the practice of law, and the following mitigating factors: absence of a prior disciplinary record, personal, or emotional problems, and remorse.

This case is similar to the above-listed cases, in that in all of the cases involved abandoned clients, actual injury to the client, and failure to cooperate with the State Bar.

CONCLUSION

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession, and the administration of justice and not to punish the offender.’” *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Hearing Panel has determined the sanction using the evidence, facts deemed admitted, application of the *Standards*, including the aggravating factors, the sole mitigating factor, and the goals of the attorney discipline system. The Hearing Panel orders:

1. Jennifer Melissa Brown, Bar No. 023602, shall be suspended from the practice of law for two (2) years effective thirty (30) days from this order.
2. Ms. Brown shall pay all costs and expenses incurred by the SBA and the Office of the Presiding Disciplinary Judge in this proceeding.

3. Ms. Brown shall pay the following in restitution:

a. \$4,000.00 to Jennifer Porman.

b. \$2,600.00 to Rose Isaac.

A final judgment and order will follow.

DATED this 28th day of February, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Michael Snitz

Michael Snitz, Volunteer Public Member

James M. Marovich

James M. Marovich, Volunteer Attorney Member

Copy of the foregoing emailed & mailed
this 28th day of February, 2017, to:

Counsel for State Bar:

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Jennifer Melissa Brown
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and alternative address:

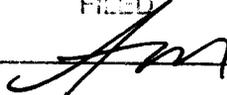
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

DEC 19 2016

FILED
BY 

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**JENNIFER MELISSA BROWN,
Bar No. 023602,**

Respondent.

PDJ 2016- 9129

COMPLAINT

[State Bar No. 16-0227, 16-0528, 16-2616]

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 3, 2005.

COUNT ONE (File No. 16-0227/Porman)

2. Jennifer Porman hired Respondent in September 2015 to represent her in a divorce. Ms. Porman paid Respondent an initial retainer of \$3,000.00 and an additional \$1,500.00 during the representation.

3. Ms. Porman had difficulty contacting Respondent in the early stage of the representation followed by a period of normal communication. The communication failed again in December 2015. Due to the lack of communication,

Ms. Porman had to contact the court herself on two occasions to get information regarding deadlines and hearing dates.

4. The final communication between Ms. Porman and Respondent occurred during the week following a December 1, 2015, hearing.

5. Ms. Porman subsequently tried to contact Respondent at her office, but no one was there.

6. Ms. Porman contacted the State Bar in January 2016 to report Respondent's failure to communicate. The matter was initially assigned to a lawyer in the State Bar's Attorney/Consumer Assistance Program (ACAP) who attempted to contact Respondent by telephone to discuss Ms. Porman's concerns.

7. Respondent failed to contact the ACAP attorney.

8. On January 29, 2016, an investigator from the State Bar contacted Respondent in person to determine why she failed to respond to ACAP counsel. Respondent indicated she was not checking her voicemails. Respondent provided the investigator with her cell phone number and stated she would call the ACAP attorney. Respondent failed to call.

9. On May 5, 2016, the State Bar sent Respondent an initial screening letter requesting she formally respond to the Bar charge by May 25, 2016. No response was received by May 25, 2016.

10. On June 1, 2016, the State Bar sent an additional notice via mail and email requesting a response within ten (10) days. Respondent failed to respond.

11. On July 7, 2016, Respondent was served at 8:44 a.m. at 7780 South Bonarden Lane, in Tempe, Arizona with a subpoena duces tecum that requested medical records and a written response to the Bar charge in this and another matter.

12. Respondent appeared at the State Bar on July 29, 2016, and provided the requested medical records, but did not provide a written response to the charge. Respondent was told to contact Bar Counsel via phone to discuss a response. Respondent failed to contact Bar Counsel.

13. Bar Counsel called Respondent on August 11, 2016, asking that she return the call and discuss submitting a response. Respondent failed to contact Bar Counsel.

14. Respondent's conduct in this count violates Rule 42 Ariz. R. Sup. Ct., ERs 1.3, 1.4, 1.5, 1.16, 3.2, 8.1, 8.4(d), and Rule 54(d) Ariz. R. Sup. Ct.

COUNT TWO (File No. 16-0528/Collins)

15. Rose Isaac hired Respondent to represent her in a claim against JC Auto Repair. Isaac paid Respondent \$100.00 for the initial consultation and \$2,500.00 for a retainer. The amount in controversy was less than \$2,700.00. The suit was filed in Highland Justice Court.

16. Respondent attended a hearing with Ms. Isaac early in the case and urged Ms. Isaac to settle the matter for \$500.00, which Isaac rejected.

17. Ms. Isaac had difficulty contacting Respondent following the hearing. Ms. Isaac spoke to Respondent for the last time in late 2015 and was informed trial had not been set and that Respondent would contact her once trial was scheduled.

18. Respondent failed to inform Ms. Isaac that trial was set for January 6, 2016. Both Ms. Isaac and Respondent failed to appear for the hearing and judgment was entered against Ms. Isaac in the amount of \$6,283.00.

19. Ms. Isaac hired a new attorney, Ernest Collins, to try and get the judgment set aside. On February 3, 2016, Mr. Collins emailed Respondent, requesting

the file, an explanation why she did not appear for trial, and billing records. Upon receiving no response, Mr. Collins followed up via email and fax on February 9, 2016, and again received no response.

20. Mr. Collins was unable to get the judgment set aside.

21. On May 5, 2016, the State Bar sent Respondent an initial screening letter requesting she formally respond to the Bar charge by May 25, 2016. No response was received by May 25, 2016.

22. On June 1, 2016, the State Bar sent an additional notice via mail and email requesting a response within ten (10) days. Respondent failed to respond.

23. On July 7, 2016, Respondent was served at 8:44 a.m. at 7780 South Bonarden Lane, in Tempe, Arizona with a subpoena duces tecum that requested medical records and a written response to the bar charge in this and another matter. Respondent appeared at the State Bar on July 29, 2016, and provided requested medical records, but did not provide a written response to the charge. Respondent was told to contact Bar Counsel via phone to discuss a response. Respondent failed to contact Bar Counsel.

24. Bar Counsel called Respondent on August 11, 2016, asking that she return the call and discuss submitting a response. Respondent failed to contact Bar Counsel.

25. Respondent's conduct in this count violates Rule 42 Ariz. R. Sup. Ct., ERs 1.3, 1.4, 1.5, 1.16, 3.2, 8.1, 8.4(d), and Rule 54(d) Ariz. R. Sup. Ct.

COUNT THREE (File No. 16-2616/SBA)

26. Respondent was placed in the State Bar's diversion program for one year on August 25, 2015, in files 14-2723 & 15-0053.

27. Respondent was initially required to complete a Law Office Management Assistance Program (LOMAP) evaluation and Member Assistance Program (MAP) evaluation. On September 14, 2015, the State Bar's compliance monitor sent Respondent's information to Dr. Lett, the psychologist who was to conduct the MAP evaluation.

28. The Compliance Monitor spoke to Respondent on September 22, 2015, and scheduled a LOMAP evaluation for October 14, 2015, at 1:30 p.m. The Compliance Monitor also gave Respondent Dr. Lett's information and instructed Respondent to call and schedule the MAP evaluation.

29. Respondent did not call Dr. Lett at any time during the diversionary period to schedule her MAP evaluation.

30. The LOMAP evaluation was completed on October 14, 2015, and terms were drafted and sent to Respondent on November 20, 2015. Respondent submitted signed terms on November 25, 2015.

31. The LOMAP terms required Respondent to submit quarterly reports on December 31, 2015; March 31, 2016; June 30, 2016, and a final report was due August 25, 2016.

32. The Compliance Monitor received one quarterly report on January 10, 2016, and it was not robust enough for reporting. The report contained no substantive information and only indicated that some tasks were "complete" while others were "in progress."

33. The Compliance Monitor called and left a voicemail for Respondent on January 13, 2016, asking that Respondent re-submit the quarterly report with more detail.

34. Respondent has not contacted the Compliance Monitor since the quarterly report was submitted on January 10, 2016. The Compliance Monitor attempted to call Respondent on multiple occasions with no return calls.

35. Respondent has been unresponsive and she did not submit her March 31, 2016; June 30, 2016, or her final August 29, 2016, quarterly report.

36. On August 12, 2016, the State Bar sent Respondent a screening letter asking her to submit a written explanation concerning her failure to comply with diversion terms. Respondent failed to provide a response by the September 1, 2016, deadline. On September 8, 2016, the State Bar sent Respondent a letter requesting a response by September 18, 2016. Respondent failed to provide a response by the extended deadline.

37. Respondent's conduct in this count violates Rule 42 Ariz. R. Sup. Ct., ER 8.1(b), and Rule 54(d) and (e) Ariz. R. Sup. Ct.

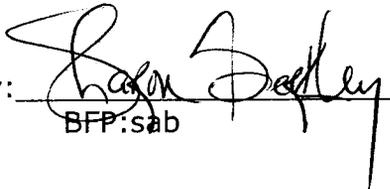
DATED this 19th day of December, 2016.

STATE BAR OF ARIZONA



Bradley F. Perry
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 19th day of December, 2016.

by: 
BFP:sab

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

FILED

NOV 01 2016

BY M. Leber

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

No. 16-0227

**JENNIFER MELISSA BROWN
Bar No. 023602**

PROBABLE CAUSE ORDER

Respondent.

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on October 14, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-0227.

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 28 day of October, 2016.

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

¹ Committee member Ella G. Johnson did not participate in this matter.

Original filed this 1st day
of November, 2016, with:

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

Copy mailed this 2nd day
of November, 2016, to:

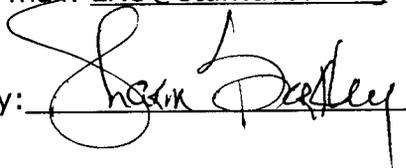
Jennifer Melissa Brown
Brown Legal Group PC
4625 South Lakeshore Drive
Tempe, Arizona 85282-7127
Respondent

Copy emailed this 2nd day
of November, 2016, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by:



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

FILED

NOV 01 2016

BY



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

No. 16-0528

JENNIFER MELISSA BROWN
Bar No. 023602

PROBABLE CAUSE ORDER

Respondent.

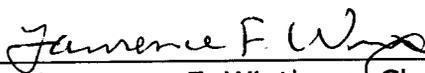
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on October 14, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-0528.

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 28 day of October, 2016.



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

¹ Committee member Ella G. Johnson did not participate in this matter.

Original filed this 1st day
of November, 2016, with:

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

Copy mailed this 2nd day
of November, 2016, to:

Jennifer Melissa Brown
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Tempe, Arizona 85282-7127
Respondent

Copy emailed this 2nd day
of November, 2016, to:

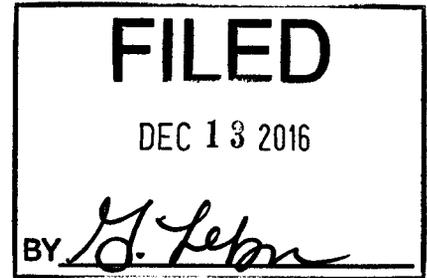
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by:



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



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

No. 16-2616

JENNIFER MELISSA BROWN,
Bar No. 023602,

PROBABLE CAUSE ORDER

Respondent.

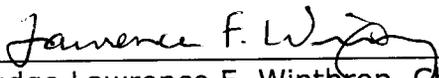
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 9, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-2616.

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 9 day of December, 2016.



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

¹ Committee member Daisy Flores did not participate in this matter.

Original filed this 13th day
of December, 2016, with:

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

Copy mailed this 13th day
of December, 2016, to:

Jennifer Melissa Brown
Brown Legal Group, PC
4625 S. Lakeshore Drive
Tempe, Arizona 85282-7127
Respondent

Copy emailed this 13th day
of December, 2016, to:

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of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
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by: 