

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GREGORY R. DORR,
Bar No. 021057

Respondent.

No. PDJ-2017-9087

**FINAL JUDGMENT AND
ORDER OF SUSPENSION**

[State Bar No. 17-0387]

FILED OCTOBER 5, 2017

The decision of the hearing panel was filed with the disciplinary clerk on September 12, 2017. The time for appeal has passed and no appeal has been filed.

Now therefore,

IT IS ORDERED Respondent, **GREGORY R. DORR, Bar No. 021057**, is suspended from the practice of law for six (6) months and one (1) day effective **October 12, 2017**.

IT IS FURTHER ORDERED Mr. Dorr 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 Mr. Dorr shall pay the State Bar's costs and expenses in the amount of \$2,104.60 as ordered by the Presiding Disciplinary Judge.

There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge.

DATED this 5th day of October, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed this 5th day of October, 2017 to:

Hunter F. Perlmeter
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Email: lro@staff.azbar.org

Gregory R. Dorr
Law Offices of Gregory R. Dorr
125 N. 2nd Street, Suite 110-671
Phoenix, AZ 85004-2322
Email: gdorrlaw@yahoo.com
Respondent

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GREGORY R. DORR,
Bar No. 021057**

Respondent.

PDJ 2017-9087

**DECISION AND ORDER
IMPOSING SANCTIONS**

[State Bar No. 17-0387]

FILED SEPTEMBER 12, 2017

On September 11, 2017, the Hearing Panel, composed of attorney member, James M. Marovich, and volunteer public member, Mel O'Donnell, considered the evidence and heard argument. Hunter Perlmeter appeared on behalf of the State Bar. Gregory R. Dorr ("Dorr") did not appear. Exhibits 1-11, were admitted. At the conclusion, the State Bar requested not less than a one year suspension.

I. PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint on July 5, 2017. On July 6, 2017, the complaint was served on Dorr by certified, delivery restricted mail, and by regular first class mail, pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct.¹ The Presiding Disciplinary Judge ("PDJ") was assigned to the matter. A notice

¹ Unless stated otherwise all Rule references are to the Ariz. R. Sup. Ct.

of default was properly entered on August 1, 2017, and served on Dorr. Dorr filed no answer and default was properly entered on August 22, 2017. On that date a notice of aggravation and mitigation hearing was sent to all parties notifying them the aggravation mitigating hearing was scheduled for September 11, 2017 at 1:30 p.m., at the State Courts Building, 1501 West Washington, Phoenix, Arizona 85007-3231. On September 11, 2017, the Hearing Panel, duly empaneled, heard the proceeding.

A respondent against whom a default has been entered no may longer litigate the merits of the factual allegations, but retains the right to appear and participate in the hearing that will determine the sanctions. Dorr waived those rights by his non-appearance.

II. FINDINGS OF FACT

The facts listed below are those set forth in the SBA's complaint and were deemed admitted by Respondent's default. *See* Rule 58(d). 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 Dorr violated the ethical rules.

1. Dorr was a lawyer licensed to practice law in Arizona having been first admitted to practice in Arizona on October 29, 2001.

COUNT ONE (File no. 17-0387/State Bar of AZ Judicial Referral)

1. Dorr was appointed as counsel for Court-Appointed Guardians in a juvenile matter, Maricopa County Case No. JD32676, through the Juvenile Office of Public Defense Services.

2. A report and review hearing was set for Thursday, January 26, 2017. Dorr failed to appear at the hearing and failed to return communications initiated by the Court inquiring of his whereabouts.

3. On Monday, January 30, 2017, the Court entered a Minute Entry Order relieving Dorr of his representation. [Ex. 1.] The Court found that Dorr had an obligation to appear in court to represent his clients and to notify the Court if he had good cause to miss the hearing. Dorr did neither. The Court forwarded that Minute Entry Order to the State Bar. The State Bar responded on February 7, 2017. [Ex. 2.]

4. On February 7, 2017, pursuant to Rule 55(b), an initial screening letter was mailed and emailed to Dorr, with a deadline for response set for February 27, 2017. [Ex. 3 and 4.] Receiving no Response or extension request, a 10-day Demand for a Response was sent (via mail and email) to Dorr on April 5, 2017. [Ex. 5.] It contained the following demand and notice:

Pursuant to Rule 47(h) and 55(b)(1)(B), Ariz. Ru. Sup. Ct., you are hereby given notice that your failure to comply with this request for response within ten (10) days of the date of this letter may require the taking of your deposition pursuant to subpoena, or a recommendation to the

Attorney Discipline Probable Cause Committee for an order of probable cause. Please be further advised that, should your failure to cooperate result in the taking of a deposition pursuant to Rule 47, you “shall be liable for the actual costs of conducting the deposition....” If you fail to comply with an investigative subpoena, you may be subject to contempt proceedings, and could be summarily suspended.

I again refer you to Rule 54(d), and caution you that failure to cooperate with a disciplinary investigation in grounds, in itself, for discipline.

5. The next day, April 6, 2017, Dorr emailed the Bar acknowledging receipt of the 10-Day Demand Letter. It stated, “I am in receipt of the email from Attorney Vidrine.” [Ex. 6.] However, Dorr never responded to the substance of the screening letter nor contacted the State Bar again.

6. On May 3, 2017, the State Bar wrote to Mr. Dorr informing him the investigation was complete. The correspondence attached the investigative report being sent to the Probable Cause Committee. In compliance with Rule 55(b)(2)(B), the letter included a written explanation for the recommendation of the State Bar to the Committee. Mr. Dorr was also informed of his right to submit a summary of the response to the charges by the State Bar. [Ex. 7.]

7. On April 24, 2017, Judge Welty informed the State Bar that Dorr did not appear for an Order to Show Cause, or contact the court since its issuance of the Minute Entry Order giving rise to the bar charge. Judge Welty, Associate Presiding

Judge of the Juvenile Division, also advised that Dorr has been removed from all juvenile cases and is no longer being appointed through the Juvenile Office of Public Defense Services.

8. Dorr's conduct in this count violates Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 8.1(b) and 8.4(d).

III. CONCLUSIONS OF LAW

Based upon the facts deemed admitted, and the exhibits admitted, the Hearing Panel finds by clear and convincing evidence that Dorr violated: Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3, 8.1(b) and 8.4(d).

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:

Dorr violated his duty to his client under E.R. 1.3, his duty to the legal system under E.R. 8.4(d), and he violated his duty owed as a professional by violating E.R. 8.1(b).

Mental State and Injury:

Dorr violated his duty to his client, implicating *Standard 4.4*. *Standard 4.41* states:

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client;
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

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

We find Dorr knowingly failed to perform services for his client which had the potential to cause serious injury to his client. Therefore, *Standard 4.42* applies.

AGGRAVATING AND MITIGATING FACTORS

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

Standard 9.22(a) prior disciplinary offenses: In State Bar file number 16-1809 Dorr received an Admonition and probation for failure to communicate with his client, including failure to notify his client of a judicial decision in the underlying matter. Dorr also failed to respond to the State Bar's initial screening letter, 10-day demand letter, and multiple informal requests, thereby requiring his deposition to be taken.

Standard 9.22(c): a pattern of misconduct. He has demonstrated a pattern of failing to act diligently and failing to cooperate with the State Bar.

Standard 9.22(d): multiple offenses.

Standard 9.22(e): bad faith obstruction of the disciplinary proceeding by not substantively responding to the State Bar's investigation.

Standard 9.22(i) substantial experience in the practice of law as he has been licensed to practice for more than 15 years.

IV. 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 facts deemed admitted, the *Standards*, the aggravating factors, the mitigating factor, and the goals of the attorney discipline system. The Hearing Panel orders:

1. Gregory R. Dorr shall be suspended from the practice of law for six (6) months and one (1) day effective thirty (30) days from the date of this order.

2. Gregory R. Dorr shall pay all costs and expenses incurred by the SBA and the Office of the Presiding Disciplinary Judge in this proceeding.

A final judgment and order will follow.

DATED this 12th day of September, 2017.

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

Mel O'Donnell
Mel O'Donnell, Public Member

James M. Marovich
James M. Marovich, Attorney Member

Copies of the foregoing emailed/mailed
this 12th day of September 2017 to:

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Email: gdorrlaw@yahoo.com

by: AMcQueen

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

JUL 5 2017

FILED

BY



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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GREGORY R. DORR,
Bar No. 021057,**

Respondent.

PDJ 2017- 9087

COMPLAINT

[State Bar No. 17-0387]

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 29, 2001.

COUNT ONE (File No. 17-0387/Hon. Joseph Welty)

2. Respondent was appointed as counsel for Court-Appointed Guardians in a juvenile matter, Maricopa County Case No. JD32676, through the Juvenile Office of Public Defense Services.

3. A Report and Review hearing was set in the matter for Thursday, January 26, 2017. Respondent failed to appear at the hearing and further failed to return the calls made by the Court inquiring of his whereabouts.

4. On Monday, January 30, 2017, the Court entered a Minute Entry Order relieving Respondent of representation in that matter. The Court found that Respondent had an obligation to appear in court to represent his clients and to notify the Court if he had good cause to miss the hearing, but that Respondent did neither. In turn, the Court forwarded the Minute Entry Order to the State Bar.

5. On February 7, 2017, the initial screening letter was mailed and emailed to Respondent, with a deadline for response set for February 27, 2017. Receiving no Response or extension request, a 10-day Demand for a Response was sent (via mail and email) to Respondent on April 5, 2017, with the following demand and notice:

Pursuant to Rule 47(h) and 55(b)(1)(B), Ariz. R. Sup. Ct., you are hereby given notice that your failure to comply with this request for response **within ten (10) days of the date of this letter** may require the taking of your deposition pursuant to subpoena, or a recommendation to the Attorney Discipline Probable Cause Committee for an order of probable cause. Please be further advised that, should your failure to cooperate result in the taking of a deposition pursuant to Rule 47, you "shall be liable for the actual costs of conducting the deposition. ..." If you fail to comply with an investigative subpoena, you may be subject to contempt proceedings, and could be summarily suspended.

I again refer you to Rule 54(d), and caution you that failure to cooperate with a disciplinary investigation is grounds, in itself, for discipline.

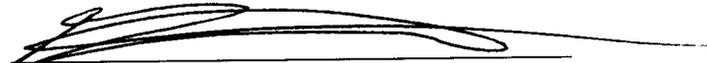
6. The next day, April 6, 2017, Respondent sent an email to the Bar acknowledging receipt of the 10-Day Demand Letter. However, Respondent has neither submitted a Response nor made any further contact with the Bar since that date.

7. On April 24, 2017, Judge Welty advised Bar Counsel that Respondent has not made a showing of good cause, or any contact for that matter, with the Court since its issuance of the Minute Entry Order giving rise to the Bar charge. Judge Welty, Associate Presiding Judge of the Juvenile Division, also advised that Respondent has been removed from all juvenile cases and is no longer being appointed through the Juvenile Office of Public Defense Services.

8. Respondent's conduct in this count violates Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 8.1(b) and 8.4(d).

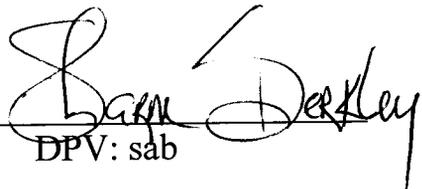
DATED this 3 day of July, 2017.

STATE BAR OF ARIZONA



Dustin P Vidrine
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 5th day of July, 2017.

by: 
DPV: sab

FILED

JUN 27 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,**

**GREGORY R. DORR
Bar No. 021057**

Respondent.

No. 17-0387

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on June 9, 2017, 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. 17-0387.

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 27 day of June, 2017.

Lawrence F. Winthrop

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 27th day
of June, 2017 with:

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

Copy mailed this 28th day
of June, 2017, to:

Gregory R. Dorr
Law Office of Gregory R. Dorr
125 N 2nd Street, Suite 110-671
Phoenix, AZ 85004-2322
Respondent

Copy emailed this 28th day
of June, 2017, to:

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