

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

DAVID L. ERLICHMAN,
Bar No. 013822

Respondent.

PDJ-2017-9012

**FINAL JUDGMENT AND
ORDER**

[State Bar File Nos. 97-1652, 98-0935, 98-1787, 98-2124, 98-2342, 99-1364, 99-2079, 00-1998, and 00-2346]

FILED MARCH 8, 2017

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on February 3, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **David L. Erlichman, Bar No. 013822**, is disbarred, retroactively effective May 8, 1999, for his conduct in violation of the Arizona Rules of Professional Conduct as outlined in the consent documents.

IT IS FURTHER ORDERED Respondent, **David L. Erlichman, Bar No. 013822**, is reinstated effective March 15, 2016. Mr. Erlichman remains on terms and conditions of probation in reinstatement File No. PDJ 2015-9066.

IT IS FURTHER ORDERED under the unique circumstances resulting in retroactive disbarment and reinstatement, Mr. Erlichman is not required to comply with Rule 72 Ariz. R. Sup. Ct., relating to notification of clients and others.

IT IS FURTHER ORDERED Mr. Erlichman shall pay the costs and expenses of the State Bar of Arizona for \$1,200.00, within thirty (30) days from this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

DATED this 8th day of March, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing emailed this 8th day of March, 2017, and mailed March 9, 2017, to:

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

David L. Erlichman
610 West Fillmore St. Apt. 457
Phoenix, Arizona 85003
Email: derlichman@outlook.com
Respondent

by: [AMcQueen](#)

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

DAVID L. ERLICHMAN
Bar No. 013822

Respondent.

PDJ-2017-9012

**DECISION AND ORDER
ACCEPTING DISCIPLINE
BY CONSENT**

[State Bar File Nos. 97-1652,
98-0935, 98-1787, 98-2124, 98-
2342, 99-1364, 99-2079, 00-
1998, and 00-2346]

FILED MARCH 8, 2017

The parties filed their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. on February 3, 2017. This matter has multiple unique circumstances, not the least of which is Mr. Erlichman has not been practicing law for nearly eighteen (18) years.

A formal complaint and multiple probable cause orders were entered against Mr. Erlichman from 1998 through April, 1999. On May 8, 1999, he was transferred to disability inactive status and those matters were stayed. Mr. Erlichman sought reinstatement. The hearing panel recommended reinstatement and encouraged the parties to settle these charges. On March 15, 1999, he was reinstated to practice law by order of the Supreme Court which also ordered reinstated these previously stayed charges.

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. Erlichman voluntarily waives the right to an adjudicatory hearing, and waives all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. The agreement failed to state if the complainants were notified of the agreement.

On February 14, 2017, the parties filed a notice that all complainants had been advised of the agreement and their right to file under Rule 53(b)(3), Ariz. R. Sup. Ct., an objection. One complainant was notified by letter dated February 7, 2017 and timely filed an objection with the State Bar which was filed with the disciplinary clerk on February 13, 2017. No other objections have been filed.

Complainants are defined by Rule 46(f)(6). The term refers to "any person who initiates a charge against a lawyer or later joins in a charge to the state bar regarding the conduct of a lawyer." A charge "means any allegation or other information of misconduct that comes to the attention of the State Bar." Rule 46(f)(4). Typically a high percentage of the charges the State Bar receives is from a client of a respondent.

While a complainant is not a party to the proceeding, bar counsel is mandated to “advise the complainant of a recommendation of any discipline, diversion of pending agreement for discipline by consent.” The complainant is also entitled to be informed of any hearing before the hearing panel or any public proceeding. Rule 53(b)(3).

An important emphasis is on the due process rights of a respondent. These rights of complainants are also important. While the rights of a respondent and a complainant can appear to conflict, they are balanced by the rules. The rights of each are respected and independent of one another.

The complainant expresses a concern arising from a 1997 incident with Mr. Erlichman. Because of the time that has passed, complainant states he has no firm recollection of the facts. This is the misfortune of the delay caused by the disability of Mr. Erlichman. Complainant points out Mr. Erlichman represented “criminal defendants and was under significant influence of dangerous and prohibited drugs.”

The complainant correctly point out that such conduct by Mr. Erlichman “violates the rules set forth regarding proper conduct by a lawyer and endangers the public...” He concludes, “reinstatement must be denied, and the consent agreement must be denied, and *approve* the sanction of retro-active disbarment by the presiding disciplinary judge.” (Emphasis added.) It is assumed such conclusion means the disbarment should be approved but the reinstatement denied because “the consent

agreement violates the rules.” The comments have been considered and are greatly appreciated. The PDJ balances the actions of Mr. Erlichman since his transfer to disability inactive status against his misconduct and rules accordingly. The decision to accept the agreement is not made out of compassion or compromise.

The agreement details a factual basis to support the conditional admissions. Mr. Erlichman has little recall of the events but does not dispute the factual basis stated and stipulates those facts violate the ethical rules. It is important fact that Mr. Erlichman has fully reimbursed the Client Protection Fund for all claims of his former clients and paid in full all other claims of his former clients not paid by that Fund. To be reinstated he also took and passed the Arizona Uniform Bar examination and Multistate Professional Exam. Since April 10, 2016, Mr. Erlichman has been employed as a Deputy Public Defender.

The hearing panel in the reinstatement proceeding of Mr. Erlichman encouraged the parties to consider discipline by consent and whether a retroactive sanction may be appropriate. The proposed stipulated sanction is disbarment retroactive to May 8, 1999 with reinstatement retroactive to March 15, 2016. Mr. Erlichman shall pay costs of \$1,200 within thirty (30) days. He remains on probation for two years as a condition of his reinstatement in PDJ 2015-9066.

The American Bar Association’s *Standards for Imposing Lawyer Sanctions* (*Standards*) provide guidance for the sanctions to be imposed. Mr. Erlichman

conditionally admits he violated Supreme Court Rule 41(c) (Failing to maintain the respect due to courts of justice and judicial officers), and (g) (unprofessional conduct), 54(c), (d) and (k), [formerly Rule 51(e), (h), (i) and (k)] and Rule 42, ERs 1.2, 1.3, 1.4, 1.5, 1.7, 1.8, 1.15, 3.1, 3.5, 8.1 (a) (Attempting to mislead bar counsel by submitting altered documents.), 8.2 (a), (Making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge.), and 8.4(b) (Use of illegal drugs, methamphetamines), (c) and (d) (conduct prejudicial to the administration of justice).

The thirty one (31) page agreement details the facts involving five counts which involve his actions or inactions in criminal defense and family law proceedings. Four other counts are dismissed as part of the agreement. That agreement is incorporated by this reference. Regardless the number of counts, the *Standards* do not account for multiple charges of misconduct. The sanctions are not “stacked” or consecutive. The ultimate sanction imposed should at least be consistent with the most serious sanction among the multiple violations. Multiple violations should be considered as aggravating factors. *Standards*, II, Theoretical Framework, page 7.

The parties stipulate the most serious violations are those involving his lies to the State Bar, the disparagement of the courts, and using illegal drugs, ERs 8.1, 8.2,

and 8.4(b). The *Standards*, 5.11, 6.11 and 7.1, apply to those rule violations and each call for disbarment. The conduct of Mr. Erlichman violated his duty to his clients, the profession, the legal system, and the public. His actions were initially intentional and later negligent due to his deteriorating mental health issues. The *Standards* state eleven potential aggravating factors. Ten aggravating factors are present. Three of the thirteen potential mitigating factors are stipulated present.

The misconduct of Mr. Erlichman occurred approximately eighteen to twenty years ago. Disbarment is warranted for his egregious actions and inactions. At that prior time there were absent in appearance multiple virtues central and critical to practitioners of the law. He seemingly had no inner strength to resist and refrain from improper conduct and was missing the strength *not* to indulge and *not* to act on impulse.

What the reinstatement hearing panel observed was in the 18 to 20 years that passed outside the practice of law, Mr. Erlichman embraced a rigid self-discipline in which he faced his addiction, flaws and unethical behaviors and owned them as *his* responsibility. His remorse is objectively evident from his actions in fully reimbursing the Client Protection Fund for all claims of his former clients and his payment in full of all other claims of his former clients not paid by that Fund.

Mr. Erlichman applied himself diligently, and made sacrificial effort to achieve his reinstatement. We each become the product of our thinking. Actions and

reactions form from decisions that spark within our minds. Mr. Erlichman replaced excuses and explanations with decisions and actions. It is not common for someone to change course from such addictions. Mr. Erlichman decided to apply self-control from the neck up enabling him to set his sail to a different, healthier wind.

The United States Supreme Court has stated, “[t]he license granted by the court requires members of the bar to conduct themselves in a manner compatible with the role of courts in the administration of justice.” *In re Snyder*, 472 U.S. 634 (1985). It is clear there was no rational basis for the prior scornful misconduct of Mr. Erlichman. It is equally clear there is no rational basis not to accept the agreement.

The PDJ finds the proposed sanctions of retroactive disbarment with retroactive reinstatement meets the objectives of attorney discipline. The Agreement is therefore accepted.

IT IS ORDERED incorporating the Agreement and any supporting documents by this reference. The agreed upon sanction are: disbarment retroactive to May 8, 1999; reinstatement retroactive to March 15, 2016; and the payment of costs and expenses of the disciplinary proceeding totaling \$1,200.00, to be paid within thirty (30) days from this date. There are no costs incurred by the office of the presiding disciplinary judge. Mr. Erlichman remains on probation for two (2) years as a condition of his reinstatement in PDJ 2015-9066.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,200.00. A final judgment and order is signed this date.

DATED this March 7, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed on March 8, 2017, and mailed March 9, 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

David L. Erlichman
610 West Fillmore St. Apt. 457
Phoenix, Arizona 85003
Email: derlichman@outlook.com
Respondent

by: AMcQueen

Shauna R. Miller, Bar No. 015197
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone: (602)340-7278
Email: LRO@staff.azbar.org

David L. Erlichman,
610 West Fillmore St. Apt. 457
Phoenix, Arizona 85003
(602) 603-1260
Email: derlichman@outlook.com
Respondent

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

FEB 3 2017

FILED
BY 

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

DAVID L. ERLICHMAN
Bar No. 013822

Respondent.

PDJ 2017-9012
[State Bar File Nos. 97-1652, 98-0935,
98-1787, 98-2124, 98-2342, 99-
1364, 99-2079, 00-1998, and 00-
2346]

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned bar counsel, and Respondent, David L. Erlichman, who has chosen not to seek the assistance of counsel, hereby submit their agreement for discipline by consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct.

On November 25, 1998, the State Bar filed a formal complaint in file no. 97-1652. Between January and April 1999, probable cause orders were entered in State Bar file nos. 98-0935, 98-1787, 98-2124, and 98-2342. On May 8, 1999, Respondent was transferred to disability inactive status, and all disciplinary proceedings were stayed. Respondent was reinstated to practice law in Arizona on March 15, 2016. As

part of the order transferring Respondent from disability to active status, all disciplinary proceedings previously stayed were reinstated.

This is a unique situation, in that Respondent has not been practicing law since he went on disability inactive status on May 8, 1999, nearly 18 years ago. In order to be reinstated, Respondent had to file a petition under Rule 65, Ariz. R. Sup. Ct. A lawyer placed on disability inactive status must demonstrate by clear and convincing evidence that the lawyer's mental or physical impairment has been removed and the lawyer is fit to resume the practice of law. A hearing panel may also in its discretion, direct an applicant to establish proof of competence and learning in the law. As in other cases of reinstatement, a lawyer seeking reinstatement to the practice of law under Rule 65(b), Ariz. R. Sup. Ct., must prove rehabilitation by clear and convincing evidence, compliance with all discipline rules and orders, fitness to practice, and competence. An applicant must also establish, by the same evidentiary standard, that the applicant has identified the weakness or weaknesses that caused the misconduct, has overcome the weakness or weaknesses, and therefore, no longer poses any further threat to the public. *In Re Arrotta*, 208 Ariz. 509, 513, 96 P. 3d 213, 217 (2004).

The hearing panel's report to the Arizona Supreme Court noted that Respondent had no disciplinary history prior to 1996 and that he was transferred to disability inactive status due to his addiction to methamphetamines. The previously stayed files that comprise the nine counts in this matter can reasonably be attributed to that addiction. The hearing panel found that Respondent is in sustained remission from his addiction, and that he has identified the weakness that cause his misconduct and has overcome that weakness. The hearing panel also determined that

Respondent has fully reimbursed the Client Protection Fund (the Fund) for all claims of his former clients and paid in-full all other claims of his former clients not paid by the Fund. Respondent took and passed the Arizona Uniform Bar examination in July 2013, and the Multistate Professional Exam in March 2014. The hearing panel recommended to the Arizona Supreme Court that Respondent be reinstated; the Court reinstated Respondent on March 15, 2016 and reinstated the previously stayed files. Since April 10, 2016, Respondent has been employed by Maricopa County as a Deputy Public Defender.

The hearing panel's report also encouraged the parties to consider discipline by consent for the now reinstated discipline matters and whether a retroactive sanction may be appropriate. The parties have considered the hearing panel's recommendation and agree that a retroactive sanction is appropriate 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. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Disbarment, retroactive to May 8, 1999. The parties also request that if the consent agreement is accepted, that the presiding disciplinary judge (PDJ) concurrently reinstate Respondent to the practice of law from the disbarment, retroactive to March 15, 2016.¹

¹ Respondent is currently on probation for two years in SB-16-0012-R; PDJ 2015-9066, the reinstatement file.

As all of the factual allegations involved in the disciplinary proceedings occurred from 1997-1999, nearly 20 years ago, Respondent no longer has any independent memory of any of the statements, acts, and events involved. Given the lengthy passage of time, the parties agree that Respondent's conditional admission for these purposes shall consist of his not agreeing, but not disputing any of the allegations and conclusions. Accordingly, by reason of his memory loss, Respondent does not dispute that his conduct, as set forth below, violated the following ethical rules as set forth by Arizona Rules Supreme Court. 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.² The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

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 26, 1991.

COUNT ONE (File no. 97-1652/Levy)

2. Respondent was retained by Jose Mercado to defend him against charges of first-degree murder and attempted murder.

3. On June 6, 1997, in open court, Respondent made the following statement: "Today in court I told my client I wanted to see Mr. Levy [the prosecutor]"

² 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.

go to jail. ...I believe Mr. Levy has conducted a willful act of contempt of court in contempt of justice." Respondent made numerous allegations against Mr. Levy, in open court and in documents filed with the court, stating that his conduct in this case amounted to a contempt of court. For purposes of this agreement, Respondent does not dispute that these statements were frivolous and without merit. For purposes of this agreement, Respondent does not dispute his conduct regarding Mr. Levy extended and/or prolonged the proceedings, and was prejudicial to the administration of justice.

4. During the representation, Respondent alleged that Detective Tim Cooning, one of the detectives assigned to defendant Mercado's case, had committed the crime of forgery in the handling of certain evidence in the case.

5. Respondent wanted Detective Stribling to approach the County Attorney to dismiss the case against Mr. Mercado and in exchange Respondent told Detective Stribling that Respondent would not disclose to anyone his suspicions about Detective Cooning.

6. In the attempt to have the case dismissed, Respondent revealed confidential information and engaged in conduct that is prejudicial to the administration of justice. Specifically, during Respondent's first conversation with Detective Stribling, Respondent told him that, "I don't give a shit about Jose Mercado, but I got Cooning nailed on this." During a later, recorded conversation with Detective Stribling, Respondent said: "...as far as I know my client's guilty as hell," and "[e]specially when, when I tell you off the record I think my guy's probably guilty as all hell."

7. On July 11, 1997, Respondent filed a motion to withdraw from the representation, which was granted by the court. On July 15, 1997, Respondent filed a

motion with the court when Respondent was not defendant Mercado's attorney of record.

8. In the July 15, 1997, filing Respondent stated that he had discovered "new evidence proving the existence of a criminal conspiracy to impermissible [sic] interfere with Defendant's Right to Counsel, and Due Process Rights..." For purposes of this agreement, Respondent not dispute that this statement is frivolous, without merit, and a misrepresentation because Respondent did not have evidence proving the existence of a criminal conspiracy.

9. On July 21, 1997, Respondent filed another pleading with the court when he was not defendant Mercado's attorney of record. In the July 21, 1997 filing, Respondent made the following statements: "Counsel alleges that the actual author of this blatant attack against the legal profession and the integrity and independence of the court itself was none other than Mr. Richard Romley." For purposes of this agreement, Respondent does not dispute that this statement is frivolous, without merit, and a misrepresentation.

10. On July 21, 1997 Respondent filed a second pleading with the court when he was not defendant Mercado's attorney of record. In this July 21, 1997 filing, Respondent stated: "[C]ounsel, a proven winner of murder cases with a national reputation, is now the object of a character assassination, orchestrated by a completely desperate and fascist County Attorney, effectively manipulated like a puppet by the true keepers of the reactionary flame...the Pullman family, owners of Phoenix Newspapers Inc." For purposes of this agreement, Respondent does not dispute that this statement is frivolous, without merit, and a misrepresentation.

11. On July 21, 1997, Respondent filed a third pleading with the court when he was not defendant Mercado's attorney of record. In this July 21, 1997, filing Respondent stated:

That the numbers 6 and 8 have the same distinctive qualities as the missing photo envelopes despite this Detective's careful attempt to avoid detection of his handwriting, signing the name of Detective John Norman, 2993, instead of his own. [...] The Defendant alleges based upon the handwriting that Detective Cooning signed Detective Stribling's number to the sign in log, Stribling himself filling in the pink sheet. Counsel suggests that what is involved here is a character assassination undertaken by a desperately guilty police and County Attorney's Office seeking to destroy counsel to keep the truth from surfacing. The analysis of the above factors is a "no brainer." If the State were to succeed in this motion, every defense attorney could be driven from a case, by a secret investigation of their personal lives undertaken by "Big Brother." The [sic] most crucial fact for this Court to consider is that the physician's call to the police was a "non-criminal", investigation only report. Why did the State and the homicide detective on this case take it upon themselves to investigate counsel's personal life. The answer is they didn't. Richard Romley did!"

For purposes of this agreement, Respondent does not dispute that these statements are frivolous, without merit, and a misrepresentation.

12. On July 21, 1997, Respondent filed a fourth pleading with the court when he was not defendant Mercado's attorney of record. In this July 21, 1997 filing, Respondent made the following statements: the State is in extreme desperation as its "house of malice, comes crashing down on its criminal conspiracy to obstruct justice..."; Respondent hoped to "live long enough to get to Court at 1:30 p.m., without being assassinated on the way by our County Attorney and his hopelessly guilty Keystone (SS) police"; Respondent demanded "to know what drugs the prosecutor has been smoking"; the judge was "biased and prejudiced"; and that Respondent does not anticipate that "this Court will ever sanction the State or this prosecutor, even if [Respondent is] assassinated in open court." For purposes of this agreement,

Respondent does not deny that these statements are frivolous and without merit, and are false or made with reckless disregard to the truth or falsity concerning the qualifications of the judge.

13. The following statements were made by Respondent and are taken from the reporter's partial transcript of the proceedings date July 21, 1997: "I don't think you're fair. I don't think you're impartial. I think you have willingly permitted a lawyer to lie, repeatedly lie, lie, lie," and "You're hurting my client in being unfair, prejudiced in favor of the state no matter what happens here."

14. For purposes of this agreement, Respondent does not dispute that his conduct in the courtroom on July 21, 1997, was disrespectful, meritless, and was a misrepresentation.

15. Based on Respondent's conduct in the court room on July 21, 1997, Judge Yarnell stated:

Let me suggest, Mr. Erlichman, that you have been and are now in continuous contempt of this court...It is my personal opinion that you have embarked on a case of purposeful misconduct at this point, and I ask you to restrain yourself. [] I have given you repeated opportunity to state your positions. You have on occasion been unable or unwilling to control your outbursts. You constantly interrupt. You cannot follow the direction of the court in an orderly fashion. You know that; the record reflects that; you have been told that many times by me.

16. For purposes of this agreement, Respondent does not dispute that his conduct in the courtroom on July 21, 1997, showed continual and repeated disrespect for the legal system and the court; Respondent engaged in conduct intending to disrupt the courtroom proceedings; Respondent made statements concerning the judge's integrity that were false or that were made with reckless disregard as to their truth or falsity.

17. On July 21, 1997, Respondent filed with the court a verified motion, even though he was not defendant Mercado's attorney of record. Respondent's motion was ambiguous in nature and when asked by the judge if he wanted "your pleading to be viewed as request for change of judge for bias or prejudice as set for in your pleading pursuant to Rule 10.1," Respondent answered "...that's what we want..." However, Respondent had no standing to file a motion for change of judge for cause pursuant to Rule 10.1. For purposes of this agreement, Respondent does not dispute that he ignored the rules of criminal procedure, knowingly disobeying an obligation under the rules of the tribunal.

18. On July 22, 1997, Respondent filed with the court a response even though he was not defendant Mercado's attorney of record. In this response Respondent suggested that Richard Romley was responsible for "cover-ups, break-ins, dirty tricks, secret investigations, etc., etc." For purposes of this agreement, Respondent does not dispute that these statements are frivolous, without merit, and a misrepresentation.

19. On or around July 25, 1997, Respondent filed with the court an emergency request even though he was not defendant Mercado's attorney of record. Respondent filed the request as an "Officer of the Court." For purposes of this agreement, Respondent does not dispute that he disobeyed an obligation under the rules of the tribunal by failing to follow proper court procedures and by disobeying the court's order appointing new counsel.

20. For purposes of this agreement, Respondent does not dispute that he showed continual and repeated disrespect for the legal system and the court during and after his appearance as the attorney of record for Mr. Mercado.

COUNT TWO (File no. 98-0935/McCreight)

21. Jerry McCreight (Mr. McCreight), filed a petition for dissolution pro per, and later retained Respondent to take over the representation in his divorce case.

22. Mr. McCreight first met with Respondent on April 22, 1997, and informed Respondent that a hearing on an Order of Protection was set for April 25, 1997, at 10:00 a.m. Respondent had an evidentiary hearing set in another matter at 11:00 a.m. that same day.

23. Mr. McCreight's hearing did not commence until 10:40 a.m. and Respondent was "obviously upset because of the delay. It definitely affected his ability to represent [Mr. McCreight] and by his own admission his representation was inadequate because of the time conflict."

24. Respondent had prepared an affidavit for Mr. McCreight to sign that was presented at the hearing on the Order of Protection. The affidavit contained incorrect statements that Respondent had failed to correct. Respondent's mistakes caused the court to leave the order of protection in place. Mr. McCreight was very upset with Respondent and confronted him as they left the court. Respondent informed him that "a murder trial most certainly had priority over a divorce case and it was not his fault that he was so busy." Respondent later apologized and told Mr. McCreight he would request another hearing.

25. A hearing for Temporary Orders was set for May 1, 1997, but was continued until May 7, 1997. Mr. McCreight tried numerous times to get a hold of Respondent to see if he had filed for another hearing on the order of protection. When Mr. McCreight finally did get a hold of Respondent, Respondent told him he had not

filed for another hearing. Shortly after this, Respondent stopped taking Mr. McCreight's phone calls.

26. For purposes of this agreement, Respondent does not dispute that from May 23, 1997, until October 29, 1997, Respondent failed to adequately represent Mr. McCreight.

27. For purposes of this agreement, Respondent does not dispute that at the last hearing on January 20, 1998, Respondent proceeded to negotiate a settlement with Mr. McCreight's wife and enter the agreement into the record without consulting Mr. McCreight.

COUNT THREE (File no. 98-1787/Weeks)

28. On April 17, 1996, Kathy L. Weeks (Ms. Weeks) paid Respondent \$2,000.00 to represent her in her divorce. Respondent was to get Ms. Weeks an equitable property settlement and custody of her daughter.

29. For purposes of this agreement, Respondent does not dispute that at a May 23, 1996, hearing Respondent was "unprepared, tardy and apparently 'angry' at the world..." Respondent told Ms. Weeks to "shut up" during the proceedings and Ms. Weeks ended up owing \$433.00 in child support.

30. For purposes of this agreement, Respondent does not dispute that on July 1, 1996, Respondent wanted another \$1,500.00, even though he never furnished Ms. Weeks with an accounting when asked how he spent the first \$2,000.00.

31. For purposes of this agreement, Respondent does not dispute that on July 4, 1996, Respondent left an incoherent or drunken message on Ms. Weeks's recorder.

32. For purposes of this agreement, Respondent does dispute that on July 8, 1996, Respondent demanded another \$2,000.00, cash only, for the upcoming July 19,

1996, court hearing. When Ms. Weeks questioned Respondent on why he needed more money, he yelled at her and said that if she wanted her kid back, this is what it would cost. Ms. Weeks paid Respondent the money.

33. For purposes of this agreement, Respondent does not dispute that on the day of the custody hearing Respondent "arrived late and dispondent [sic], stating that he did not want to be there..." He told Ms. Weeks to "shut up" and he "hated" her. Ms. Weeks's friend, who was at the hearing and has his pharmacist license, stated that Respondent "either had an organic brain disorder or was taking some kind of drug(s)."

34. For purposes of this agreement, Respondent does not dispute that he continued representing Ms. Weeks; he continued postponing hearings and filing stipulations without consulting Ms. Weeks. During August and September, Respondent barely communicated with Ms. Weeks.

35. For purposes of this agreement, Respondent does not dispute that the property settlement hearing was finally set for October 23, 1996, and Respondent again showed up unprepared, untidy and unkempt, and he appeared nervous and spoke rapidly. Once again he told Ms. Weeks to "shut up" or "he would choke [her] to death."

36. For purposes of this agreement, Respondent does not dispute that the hearing on the final decree was eventually set for January 31, 1997. Respondent again was not prepared, appeared "wired" or "hyper," complained that he did not want to be there, and used profane and abusive language toward Ms. Weeks.

37. For purposes of this agreement, Respondent does not dispute that in his response to the State Bar, Respondent made numerous misrepresentations. Respondent stated: "As God is my witness, If [sic] I did or said any of what's been alleged, I would do the honorable thing and surrender my license to practice law

immediately. ... The truth is that this woman is a liar, her witnesses are liars and her lawyer; [sic] for reasons explained below, is fueled with enough documented hatred towards me to use this woman for his own vindictive purposes."

38. For purposes of this agreement, Respondent does not dispute that he told Ms. Weeks's new attorney that he had been at a substance abuse treatment facility, but made no further statements about his care or treatment. Respondent then stated: "[Ms. Weeks]...alleged that I told [her new attorney] that I was in a rehab hospital for 'cocaine' abuse. Beyond that false statement, and her fabricated observations which I emphatically deny, [Ms. Weeks] presents no evidence whatsoever to support her allegations." On a final note, Respondent stated: "The fact that [Ms. Weeks] killed someone in the past with a gun,³ is the best proof I can think of why I would never have made the statements attributed to me."

39. For purposes of this agreement, Respondent does not dispute that he made a false statement when he denied his drug abuse.

COUNT FOUR (File no. 98-2124/Ramos)

40. Raul Ramos and Jose F. Mercado (Mr. Ramos and Mr. Mercado) retained Respondent for legal representation in a 1996 criminal matter in Maricopa County Superior Court.

41. All parties entered into a written fee agreement. The terms of the agreement were that Mr. Ramos and Mr. Mercado would pay Respondent a partial

³ In 1988, Ms. Weeks was living with a man in Kentucky who was involved in serious substance use and trafficking. On November 5, 1988, Ms. Weeks killed this man. She was convicted of reckless homicide, was sentenced to two and a half years in prison and five years of probation. Her probation terminated March 23, 1994.

payment of \$7,000 and the remaining balance of \$10,000 would be paid prior to the setting of a firm trial date.

42. Respondent was paid a total of \$10,500 for his legal services that included fees and costs.

43. Respondent withdrew from the case on July 11, 1997.

44. Respondent never provided an accounting to Mr. Ramos and Mr. Mercado of the legal services he provided.

45. Mr. Ramos and Mr. Mercado believed they were due a return of their money because the Respondent withdrew from their case.

46. This matter was brought before the Fee Arbitration Committee for two hearings on March 11, 1998, and June 5, 1998.

47. An award was entered in favor of Mr. Ramos and Mr. Mercado on July 28, 1998, in the amount of \$5,000.

48. Mr. Ramos and Mr. Mercado filed a complaint with the State Bar on October 8, 1998, alleging that Respondent failed to remit payment of the fee arbitration award.

49. By correspondence dated October 27, 1998, and December 9, 1998, the State Bar requested that Respondent respond to the allegations of the claimants. Respondent failed to respond to both requests.

50. Respondent failed to provide an accounting of fees to clients, knowingly disobeyed an obligation under the rules of a tribunal, and failed to respond to the State Bar's request for information.

COUNT FIVE (File no. 98-2342/Temple)

51. For purposes of this agreement, Respondent does not dispute that Nicole Temple (Ms. Temple) paid Respondent \$1,000 to represent her in an aggravated assault

matter. The case was dismissed three days after she hired Respondent without Respondent ever entering his appearance on her behalf.

52. For purposes of this agreement, Respondent does not dispute that he told Ms. Temple he would move to have the charges dismissed with prejudice, but then refused to prepare the dismissal telling Ms. Temple to "just forget it."

53. For purposes of this agreement, Respondent does not dispute that he failed to answer Ms. Temple's questions or return her documents and that when Ms. Temple called Respondent he told her not to call him anymore, that Ms. Temple was "fired."

54. For purposes of this agreement, Respondent does not dispute that he told Ms. Temple that his current secretary stole his wallet and car, that he is financially "busted," that he lives in his office, sees a psychiatrist, and "ingests numerous/multiple prescription medications on a daily basis."

55. For purposes of this agreement, Respondent does not dispute that when Ms. Temple asked for a refund, Respondent told her that the \$1,000 had "purchased his name and reputation." When she asked for an itemized statement, Respondent told her he does not give itemized statements because they are a "license to steal money."

56. For purposes of this agreement, Respondent does not dispute that in response to the State Bar's request for information, Respondent sent his response to the disciplinary clerk stating, "I do not recognize the authority of the Office of Bar Counsel to consider any matter involving me." In response to the allegation, Respondent says: "With respect to Mr. [sic] Temple, I'm afraid she couldn't accept the fact that no matter how beautiful, sexy and easy she is, I did not and would never compromise my position as any attorney by submitting to her seductive charms."

Respondent submitted a letter he sent to her on November 10, 1998, three e-mails he alleges Ms. Temple sent to him, and a letter from attorney Michael B. Morrisson [sic] which he "adopted by reference as part of the record of this pathetic excuse of a Bar Complaint."

57. For purposes of this agreement, Respondent does not deny that the letter Respondent sent to Ms. Temple states that the \$1,000 was not a retainer but a flat fee to represent her at the preliminary hearing. "Having carefully reviewed the time and effort which I gave your criminal case, your insulting and thoroughly disrespectful demand for re-payment of the \$1,000.00 is denied."

58. For purposes of this agreement, Respondent does not dispute that Ms. Temple was never informed that the \$1,000 was non-refundable and her understanding was that Respondent would bill \$150.00 per hour against the advanced fee. There was no signed fee agreement.

59. For purposes of this agreement, Respondent does not dispute that during the course of the representation, Respondent flirted with Ms. Temple and dropped by her apartment the day after she hired him, wanting to discuss her case. Respondent and Ms. Temple had dinner and after dinner Ms. Temple drove Respondent back to her apartment where Respondent had left his car. Respondent returned with her to her apartment and she entered the bathroom in her bedroom. When Ms. Temple came Respondent "was naked in my bed. I was appalled and demanded that he get out. He told me that he was not feeling well and asked why he had to leave and [stated] it 'would be so nice to sleep in a real bed.

60. For purposes of this agreement, Respondent does not deny that Ms. Temple did e-mail Respondent, but the e-mails he submitted to the State Bar had been

altered. After the incident in Ms. Temple's apartment, she did not hear from Respondent for approximately a week. Ms. Temple went to Respondent's office, but he was not there so she left a note telling him she was going to get another attorney and that she wanted her file.

61. For purposes of this agreement, Respondent does not deny that he eventually contacted Ms. Temple and she recorded the telephone conversation and provided a copy to the State Bar. In the tape, Respondent admits to being in Ms. Temple's bed, but continues with his story that he was not feeling well.

62. For purposes of this agreement, Respondent does not deny that additionally, Ms. Temple supplied the State Bar with a copy of the November 10, 1998, letter. The letter Ms. Temple provided differs from the letter that Respondent submitted. The letter Respondent submitted has been altered to include phrases that were used in the e-mail messages he submitted.

COUNT SIX (File no. 99-1364/Bellis)

63. As part of the consent agreement, Count Six is being dismissed.

COUNT SEVEN (File no. 99-2079/State Bar of Arizona)

64. As part of the consent agreement, Count Seven is being dismissed.

COUNT EIGHT (File no. 00-1998/Herndon)

65. As part of the consent agreement, Count Eight is being dismissed.

COUNT NINE (File no. 00-2346/McCullough)

66. As part of the consent agreement, Count Nine is being dismissed.

CONDITIONAL ADMISSIONS

Respondent's conditional admissions as defined above, 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. For purposes of this agreement, and by reason of his memory loss, Respondent does not deny the following ethical violations:⁴

Count One (97-1652):

1. Rule 41(c), (Failing to maintain the respect due to courts of justice and judicial officers.)
2. ER 1.6 (Revealing information relating to the representation of a client without the client's informed consent.)
3. ER 3.1 (Bringing or defending a proceeding, or asserting or controverting an issue therein, without a good faith basis in law and fact for doing so.)
4. ER 3.4(c) (Knowingly disobeying an obligation under the rules of a tribunal.)
5. ER 3.5(a) (Attempting to influence a judge, juror, prospective juror or other official of a tribunal by a means prohibited by law.)
6. ER 8.2 (Making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge.)
7. ER 8.4(d) (Engaging in conduct that is prejudicial to the administration of justice.)

⁴ Collectively the violations are as follows: ERs 1.2, 1.3, 1.4, 1.5, 1.7, 1.8, 1.15, 3.1, 3.4, 3.5, 8.1, 8.2, 8.4, Rules 41(g) and 54(d)(d)and (k), Ariz. R. Sup. Ct.

Count Two (98-0935):

8. ER 1.2(a) (Failing to abide by a client's decision concerning the objectives of representation and, as required by ER 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation.)

9. ER 1.3 (Failing to act with reasonable diligence and promptness.)

10. ER 1.4 (Failing to keep the client reasonably informed about the status of the matter and Failing to promptly comply with reasonable requests for information.)

11. ER 8.4(d) (Engaging in conduct that is prejudicial to the administration of justice.)

Count Three (98-1787):

12. ER 1.2(a) (Failing to abide by a client's decision concerning the objectives of representation and, as required by ER 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation.)

13. ER 1.3 (Failing to act with reasonable diligence and promptness.)

14. ER 1.4 (Failing to keep the client reasonably informed about the status of the matter and Failing to promptly comply with reasonable requests for information.)

15. ER 1.5 (Charging and retaining an unreasonable fee.)

16. ER 1.15 (Failing to provide an accounting upon request by the client)

17. ER 8.1 (Attempting to mislead bar counsel about his use of illegal drugs).

18. ER 8.4(b) (Use of illegal drugs.)

19. ER 8.4(c)(Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.)

20. ER 8.4(d) (Engaging in conduct that is prejudicial to the administration of justice.)

Count Four (98-2124)

21. ER 1.4(a) (Failing to keep the client reasonably informed about the status of the matter.)

22. ER 3.4(c) (Knowingly disobeying an obligation under the rules of a tribunal.)

23. ER 8.4(c) (Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.)

24. ER 8.4(d) (Engaging in conduct that is prejudicial to the administration of justice.)

25. Rule 54 (c), (d), and (k) [formerly Rule 51(e), (h), (i) and (k)] (Violation of Obligations to Disciplinary System.)

Count Five (98-2342)

26. ER 1.2(a) (Failing to abide by a client's decision concerning the objectives of representation and, as required by ER 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation.)

27. ER 1.4 (Failing to keep the client reasonably informed about the status of the matter and Failing to promptly comply with reasonable requests for information.)

28. ER 1.6 (Revealing information relating to the representation of a client without the client's informed consent.)

29. ER 1.7(a) (Conflict of interest).

30. ER 1.8(b) (Using information relating to representation of a client to the disadvantage of the client.)

31. ER 1.15 (Failing to provide an accounting upon request by the client.)

32. ER 8.1 (Attempting to mislead bar counsel by submitting altered documents.)

33. ER 8.4(c) (Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.)

CONDITIONAL DISMISSALS

Counts Six through Nine are to be dismissed as part of this agreement.

RESTITUTION

Restitution is not an issue in the following matter because Respondent has made full restitution as part of his reinstatement.

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: Disbarment, retroactive to May 8, 1999, with concurrent reinstatement as of March 15, 2016.

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. Since the *Standards* do not account for multiple charges of misconduct, the ultimate sanction imposed should be consistent with the most serious sanction. Other violations should be considered in aggravation. *ABA Standards*, II. Theoretical Framework, page 7.

The parties agree that the most serious violations are those involving Respondent's illegal drug use, his disparagement of the courts, and his lies to the State Bar; therefore the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

Standard 5.11 [ERs 8.1 and 8.4(b)]

Disbarment is generally appropriate when:
a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, [and] misrepresentation, [...].

Standard 6.11 [ER 8.2]

Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, ..., or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes serious or potentially serious adverse effect on the legal proceeding.

Standard 7.1 [ER 8.1]

Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession 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.

For purposes of this agreement, Respondent does not dispute that he showed continual and repeated disrespect for the legal system and the court during and after his appearance as the attorney of record for Mr. Mercado. For purposes of this agreement, Respondent does not deny that he made blatant misrepresentations about the prosecutor, the judge and the system. For purposes of this agreement, Respondent does not deny that the misrepresentations Respondent made to the court about Detective Stribling's alleged misconduct were intended to deceive the court and had the potential to seriously and adversely affect the legal proceeding.

Respondent was using illegal drugs for several years while representing clients. His use of methamphetamines harmed his clients, the public, the profession, and the legal system. In several of his responses to the State Bar, Respondent lied about his addiction to methamphetamines. For purposes of this agreement, Respondent does not dispute that he also submitted intentionally altered documents to the State Bar to discredit his former client, Ms. Temple.

The duty violated

As described above, Respondent's conduct violated his duty to his client, the profession, the legal system, and the public.

The lawyer's mental state

For purposes of this agreement Respondent does not dispute that he intentionally, knowingly and, later, negligently due to mental health issues, engaged

in various misconduct as outlined in the counts above and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, REspondent does not dispute that there was actual harm to clients, the profession, the legal system, and the public.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is disbarment. For purposes of this agreement, Respondent conditionally does not dispute that the following aggravating and mitigating factors should be considered.

9.21 Factors which may be considered in aggravation.

Aggravating factors in this matter include:

- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency;
- (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
- (g) refusal to acknowledge wrongful nature of conduct;
- (h) vulnerability of victim;
- (i) substantial experience in the practice of law;
- (k) illegal conduct, including that involving the use of a controlled substance.

9.31 Factors which may be considered in mitigation.

Mitigating factors in this matter include:

- (a) absence of a prior disciplinary record;
- (i) mental disability or chemical dependency including alcoholism or drug abuse when:
 - (1) there is medical evidence that the respondent is affected by a chemical dependency or mental disability;
 - (2) the chemical dependency or mental disability caused the misconduct;
 - (3) the respondent's recovery from the chemical or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
 - (4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely;
- (l) remorse;

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction of disbarment is appropriate.

Respondent's misconduct occurred nearly 18-20 years ago during a time he was addicted to methamphetamines. His misconduct at the time warranted disbarment, but instead of a hearing, Respondent went on disability inactive status as of May 8, 1999. During that time these nine matters were stayed. Respondent eventually overcame his addiction and successfully applied for reinstatement. However, neither the time that has elapsed nor the fact that his misconduct was caused by his addiction are cause to ignore his previous misconduct. Rather, his rehabilitation is taken into consideration as part of this consent agreement and is the basis for the agreed upon sanction of disbarment and concurrent reinstatement retroactive to March 15, 2016.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of 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 disbarment, retroactive to May 8, 1999, and the concurrent reinstatement of Respondent, retroactive to March 15, 2016. A proposed form order is attached hereto as Exhibit B.

DATED this 2nd day of February, 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 February, 2017.

David L. Erlichman
Respondent

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of 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 disbarment, retroactive to May 8, 1999, and the concurrent reinstatement of Respondent, retroactive to March 15, 2016. A proposed form order is attached hereto as Exhibit B.

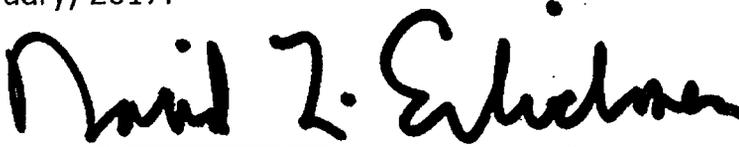
DATED this _____ day of February, 2017.

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 2nd day of February, 2017.



David L. Erlichman
Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 3rd day of February, 2017.

Copy of the foregoing emailed
this 3rd day of February, 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 3rd day of February, 2017, to:

David L. Erlichman
601 West Fillmore St. #457
Phoenix, Arizona 85003

Email: derlichman@outlook.com
Respondent

Copy of the foregoing hand-delivered
this 3rd day of February, 2017, to:

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

by: 
SRM:jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
David L. Erlichman, Bar No. 013822, Respondent

File No. 97-1652, 98-0935, 98-1787, 98-2124, 98-2342,
99-1364, 99-2079, 00-1998

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
--------------------------------------	---------

<u>TOTAL COSTS AND EXPENSES INCURRED</u>	<u>\$1,200.00</u>
---	--------------------------

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

DAVID L. ERLICHMAN
Bar No. 013822

Respondent.

PDJ 2017-

**FINAL JUDGMENT AND ORDER:
DISBARMENT RETROACTIVE TO
MAY 8, 1999, AND CONCURRENT
REINSTATEMENT RETROACTIVE
TO MARCH 15, 2016**

State Bar File Nos. 97-1652, 98-0935,
98-1787, 98-2124, 98-2342, 99-1364,
99-2079, 00-1998, and 00-2346

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____ 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement, which is incorporated herein. Accordingly:

IT IS HEREBY ORDERED accepting the consent to disbarment, retroactive to May 8, 1999.

IT IS FURTHER ORDERED that Respondent is hereby reinstated retroactive to March 15, 2016.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____.

DATED this _____ day of _____, 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 March, 2016.

Copies of the foregoing mailed/emailed
this _____ day of March, 2016, to:

David L. Erlichman
4776 East Guadalupe Road, Apt. 3022
Gilbert, Arizona 85234-7594
derlichman@outlook.com
Respondent

Copy of the foregoing hand-delivered/emailed
this _____ day of March, 2016, to:

Shauna R. Miller, Bar No. 015197
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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

By: _____