

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**T. ANTHONY GUAJARDO,**  
**Bar No. 021500**

Respondent.

**PDJ-2016-9126**

**JUDGMENT OF DISBARMENT**

[State Bar File Nos. 15-1320, 15-1817,  
15-3235, 16-0623, 16-0674, 16-1057,  
16-2407, 16-2417, 16-3279, 16-3378,  
16-3820, 16-3827, 16-3896, 16-4217]

**FILED FEBRUARY 2, 2017**

Pursuant to Rule 57, Ariz. R. Sup. Ct., the Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Mr. Guajardo's Consent to Disbarment dated January 31, 2017, and filed herein. Accordingly:

**IT IS ORDERED** accepting the consent to disbarment. Respondent, **T. Anthony Guajardo, Bar No. 021500**, is disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers **effective immediately**.

Mr. Guajardo is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Mr. Guajardo 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** that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based.

**IT IS FURTHER ORDERED** Mr. Guajardo shall pay the costs and expenses of the State Bar of Arizona in the amount of \$3,379.34.

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

*William J. O'Neil*

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

Copies of the foregoing e-mailed  
this 2nd day of February, 2017, and  
mailed February 3, 2017, to:

T. Anthony Guajardo  
PO Box 36593  
Phoenix, AZ 85067-6593  
Email: tanthonyguajardo12@gmail.com  
Respondent

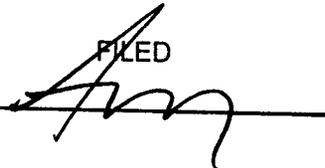
Shauna R Miller  
Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

by: AMcQueen

Shauna R. Miller, Bar No. 015197  
Bar Counsel - Litigation  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7250  
Email: LRO@staff.azbar.org

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JAN 31 2017

FILED  
BY 

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**T. ANTHONY GUAJARDO**  
**Bar No. 021500**

Respondent.

**PDJ 2016-9126**

**CONSENT TO DISBARMENT**

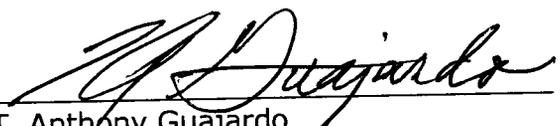
[State Bar File Nos. 15-1320, 15-1817,  
15-3235, 16-0623, 16-0674, 16-1057,  
16-2407, 16-2417, 16-3279, 16-3378,  
16-3820, 16-3827, 16-3896, 16-4217]

I, T. Anthony Guajardo, PO Box 36593, Phoenix, AZ 85067-6593, 602-544-0607, tanthonyguajardo12@gmail.com, voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

I acknowledge that charges have been made against me and a formal complaint has been filed against me. I have read the charges and the complaint, and the allegations made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment. I have been advised of and have had an opportunity to exercise my right to be represented in this matter by a lawyer. I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline,

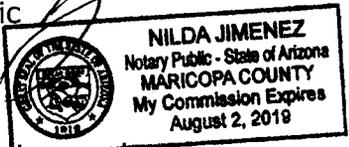
disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the charges and the formal complaint. The misconduct of which I am accused is described in the formal complaint, attached as Exhibit A, and the open State Bar screening files and charges, attached as Exhibit B, bearing the numbers referenced in the caption.

The State Bar's Statement of Costs and Expenses is attached as Exhibit C.  
A proposed form of Judgment of Disbarment is attached hereto as Exhibit D.  
**DONE AT** the State Bar offices in Phoenix, Arizona, on January 30, 2017.

  
\_\_\_\_\_  
T. Anthony Guajardo  
Respondent

**SUBSCRIBED AND SWORN TO** before me this 30 day of Jan, 2017, by T. Anthony Guajardo, who satisfactorily proved his/her identity to me.

  
\_\_\_\_\_  
Notary Public



My Commission expires: \_\_\_\_\_

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 31st day of January, 2017.

Copy of the foregoing emailed  
this 31st day of January, 2017, to:  
Hon. William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
Email: officepdj@courts.az.gov

Copies of the foregoing mailed/emailed  
this 31st day of January, 2017, to:

T. Anthony Guajardo  
PO Box 36593  
Phoenix, Arizona 85067-6593  
Email: [tanthonyguajardo12@gmail.com](mailto:tanthonyguajardo12@gmail.com)  
Respondent

Copy of the foregoing hand-delivered  
this 31st day of January, 2017, to:

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

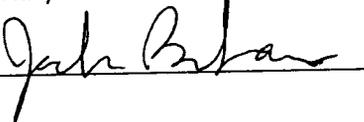
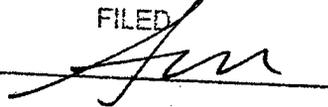
by: 

EXHIBIT A

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

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JAN 18 2017

FILED  
BY 

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**T. ANTHONY GUAJARDO,**  
**Bar No. 021500,**

Respondent.

2016-9126  
~~PDJ 2017~~

**CORRECTED COMPLAINT<sup>1</sup>**

[State Bar File Nos. 15-1320, and 15-1817]

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 May 24, 2002.

**COUNT ONE (File no. 15-1320/Varney)**

2. On March 4, 2010, Petitioner Mother (Mother) filed for divorce. Respondent represented Mother and Debra Varney (Ms. Varney) represented Father. On June 2, 2010, Mother asked for unsupervised parenting time, twice a week as Mother's work schedule permitted.

<sup>1</sup> A notice of errata is being filed contemporaneously with this corrected complaint, which explains the corrected complaint is being filed due to errors with the paragraph numbering within the complaint.

3. On August 31, 2010, after a temporary orders hearing, the court found that unsupervised parenting time between the children and Mother would "seriously endanger the children's physical, mental, moral or emotional [health], and that Mother had committed acts of domestic violence involving the children, and was likely to commit such acts in the future." Based on these findings, the court restricted Mother's access to the children.

4. On September 9, 2010, the court ordered Mother to participate in a mental health evaluation with Dr. Marlene Joy

5. On December 2, 2010, the matter proceeded to trial and the court made the following findings:

- a. Mother committed significant acts of domestic violence against Father;
- b. Mother committed acts of domestic violence against one of her daughters;
- c. Mother had a mental health condition that required the prescription of anti-depressant medication;
- d. Mother is noncompliant with taking her antidepressant medications as prescribed;
- e. Mother had an order of protection that protected her own children from her. Mother knowingly violated that order of protection at least twice;
- f. Mother completed 3 sets of anger management classes with no long term beneficial impact on her behavior; and
- g. Mother failed to complete the mental health evaluation with Dr. Marlene Joy ordered by the court.

6. Based on these and other findings, the court awarded sole legal decision-making authority to Father and limited, supervised parenting time to Mother.

7. On February 8, 2013, Respondent filed a petition to modify parenting time. Mother alleged that the change of circumstances warranting modification were that the order of protection was no longer in place, that she had participated in "parenting skills classes", that she participated in "other counseling such as anger management", that she attends church, and she will have a two bedroom apartment.

8. The court set the matter for a resolution management conference (conference) on June 3, 2013. Father's counsel filed a resolution management statement as ordered by the court. Respondent did not file a statement on Mother's behalf. During the conference, Respondent handed documents to the court's staff that were not filed and were not provided to Father's counsel, so the court was reviewing unfiled documents which Father's counsel had not yet seen.

9. Respondent admitted during the conference that Mother had not complied with the prior court orders for a psychiatric evaluation. Father's counsel requested that Mother be psychiatrically evaluated for mental health medication issues. On July 29, 2013, the court appointed Dr. Joy martin to complete the evaluation of Mother.

10. On August 16, 2013, Father filed a motion to dismiss the petition to modify, which the court granted. The court found that Mother had not articulated a substantial and continuing change of circumstances warranting modification.

Specifically, Mother had not performed those things the court indicated would be the preconditions for consideration of unsupervised parenting time.

11. On October 25, 2013, Mother filed an amended petition to modify, attaching a report from Dr. Joy Martin. The court set a resolution management conference, a case management conference, a hearing date, and appointed Dr. Munoz to perform a mental health evaluation of Mother. After several continuances, the matter was eventually set for a June 12, 2014, case management conference.

12. At the June 12, 2014, case management conference, Ms. Varney informed the court that Dr. Munoz had completed his report, and based on that report there was no substantial and continuing change of circumstances warranting modification. Respondent told the court that Dr. Munoz had found the existence of substantial and continuing change of circumstances warranting some consideration of unsupervised parenting time. The court set the matter for a 3-hour hearing, which ultimately went forward on September 16, 2014.

13. As part of the hearing preparation, the parties were ordered to submit a joint pre-hearing statement no later than September 9, 2014. Respondent failed to file a pre-hearing statement. At the hearing, Respondent claimed that it was Ms. Varney's fault he did not file a pre-hearing statement because he had been discussing settlement with Ms. Varney and that she somehow "jumped the gun" by filing her pretrial statement as ordered by the court.

14. Respondent told the court that he had provided "exhibits" when in fact none were provided. Respondent told the court that he wanted to simply "sign off"

on the pre-hearing statement, yet the pre-hearing statement did not support Mother's request for unsupervised parenting time. During the hearing, Respondent let Mother make stream of consciousness statements to the court, which made clear to the court that Respondent "put the same effort into client preparation as he did in producing exhibits and filing pretrial statements. In short, Mother was not prepared to proceed."

15. On November 4, 2014, the court issued its ruling denying Mother's petition and permitting Ms. Varney to file an application for attorney fees and costs.

16. On March 24, 2015, the court heard oral argument on the application for attorney fees and costs, and took the matter under advisement. In a May 13, 2015, under advisement ruling, the court granted the request for attorney's fees. The court entered judgment against Respondent for \$7,536.61, plus interest at the legal rate as of this date. Among other things, the court found the following:

- a. that the provisions of A.R.S. § 25-324(B) apply because the petition was not filed in good faith and the petition was not grounded in fact or based on law.
- b. that Respondent should pay all of Father's attorney fees and costs.
- c. that Respondent had a completed report from Dr. Marlene Joy, which was the primary basis of the filing of the amended petition on October 25, 2013, and "no reasonable person would have concluded that a substantial and continuing change of circumstances had occurred that would warrant Mother having unsupervised parenting time based on her report."

- d. that Respondent knew he was obligated to present evidence at the hearing to meet his burden of proof, but instead elected to simply have Mother testify that she was a good Mother and would like more time with her children in an unsupervised setting.
- e. that Respondent's "claims pertaining to the pretrial statement, to be misstatements of fact." The court concluded that Respondent acted in bad faith. Respondent "compounded his actions by continuing in his misrepresentations during the March 24, 2015, evidentiary hearing, continuing in his misstatements of fact to the court regarding his actions, blaming and disparaging [Ms. Varney] for his inaction, and taking no personal responsibility for his inaction/actions."
- f. that "Dr. Munoz made it abundantly clear [at the hearing] that Mother still posed a risk of harm to the children if granted unsupervised parenting time, unless the steps recommended by Dr. Munoz were taken and completed."

17. By engaging in the above referenced misconduct, Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically:

- a. **ER 3.1** (Meritorious claims and contentions): A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a good faith basis in law and fact for doing so that is not frivolous, which may include a good faith and nonfrivolous argument for an extension, modification or reversal of existing law.

- b. **ER 3.3(a)** (Candor toward the tribunal): A lawyer shall not knowing (1) make a false statement of fact or law to a tribunal.
- c. **ER 3.4(c)** (Fairness to opposing party and counsel): A lawyer shall not: (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.
- d. **ER 8.4(c)** (Misconduct): It is professional misconduct for a lawyer to: (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
- e. **ER 8.4(d)** (Misconduct): It is professional misconduct for a lawyer to: (d) engage in conduct that is prejudicial to the administration of justice.

**COUNT TWO (File no. 15-1817/Godínez)**

18. On June 3, 2015, Araceli Godínez (Ms. Godínez) paid Respondent \$3,185 to provide legal services related to the immigration status and deportation proceedings of her husband Hector Herrera (Mr. Herrera).

19. Ms. Godínez provided Respondent with all of the documents his office requested. Ms. Godínez was then told that Respondent couldn't do anything until her husband was sent to the detention center. At that time, he was being held at the Durango jail.

20. On June 29, 2015, Ms. Godínez called Respondent's office and told them her husband had been transferred to immigration services. Ms. Godínez was told they needed her husband's immigration case number and the name of the

detention center where he was being held. Ms. Godinez called the office back and told them he did not have a case number and he was being deported.

21. Someone from Respondent's office did meet with Mr. Herrera, but only for 20 or 30 minutes. Respondent's law student/associate Dario Romero visited Ms. Godinez's husband on June 17, 2015. Mr. Romero's notes indicate that Mr. Herrera had a voluntary departure in 2005 and that he had two DUI charges and a domestic violence charge.

22. Ms. Godinez's husband was deported by ICE to Mexico on June 30, 2015. Respondent failed to provide the services he had been paid to provide and Respondent did not earn the money Ms. Godinez paid him. Ms. Godinez wanted a refunded and the file, but Respondent did not provide her with either.

23. Respondent should not have taken the case without first determining the necessary facts to appropriately advise Ms. Godinez's regarding her husband's immigration case.

24. By engaging in the above referenced misconduct, Respondent violated Rule 42, Ariz. R. Sup. Ct., specifically:

- a. **ER 1.2** (Scope of Representation): A lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued.
- b. **ER 1.3(a)** (Diligence): A lawyer shall act with reasonable diligence and promptness in representing a client.
- c. **ER 1.4** (Communication): A lawyer shall consult with the client, keep the client reasonably informed about the status of the matter,

promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation).

- d. **ER 1.5 (Fees):** A lawyer's fees and cost must be reasonable.
- e. **ER 1.16(d) (Termination of Representation):** Upon termination of representation, a lawyer shall take steps to protect a client's interests, such as ... surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned. Upon the client's request, the lawyer shall provide the client with all of the client's documents, and all documents reflecting work performed for the client.
- f. **ER 8.4(d) (Misconduct):** It is professional misconduct for a lawyer to:  
(d) engage in conduct that is prejudicial to the administration of justice.

**DATED** this 18<sup>th</sup> day of January, 2017.

**STATE BAR OF ARIZONA**



Shauna R. Miller  
Senior Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 18<sup>th</sup> day of January, 2017.

Copy of the foregoing emailed  
this 18<sup>th</sup> day of January, 2017, to:

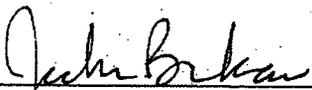
The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 16<sup>th</sup> day of January, 2017, to:

T Anthony Guajardo  
Law Office of T A Guajardo  
PO Box 36593  
Phoenix, AZ 85067-6593  
Email: [tanthonyguajardo12@gmail.com](mailto:tanthonyguajardo12@gmail.com)  
Respondent

Copy of the foregoing hand-delivered  
this 18<sup>th</sup> day of January, 2017, to:

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

by:   
SRM:jlb

**EXHIBIT B**

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

**T. ANTHONY GUAJARDO**  
**Bar No. 021500**

Respondent.

**ATTACHMENT B**

**OPEN STATE BAR SCREENING  
FILES AND CHARGES**

[State Bar File Nos. 15-3235, 16-0623, 16-0674, 16-1057, 16-2407, 16-2417, 16-3279, 16-3378, 16-3820, 16-3827, 16-3896, 16-4217]

The misconduct that Respondent is accused of in the open screening files is described below.

**State Bar File No. 15-3235**

Complainant: State Bar of Arizona Trust Account

ER's: 1.15 and Rule 43

Allegations: Two trust account checks totaling \$412 were presented for payment on December 1, 2015. There were insufficient funds in Respondent's client trust account, causing an overdraft in the amount of <\$227.75>. Respondent failed to respond to the initial charging letter.

**State Bar File No. 16-0623**

Complainant: Claudia Gallardo.

ER's: 1.1, 1.2, 1.4, 1.5.

Allegations: Respondent charged Complainant \$1,100 to complete an immigration application and to represent Complainant's husband at an immigration hearing. When Respondent completed the immigration application, he forgot to include husband's criminal misdemeanor so husband was denied citizenship. Respondent told Complainant she would have to pay an additional \$700 to file an extension to obtain proof of background and file the application again. When Complainant and her husband went to the hearing, Respondent failed showed. Complainant fired Respondent in 2013 and refused to pay the remaining \$500 because Respondent had not done what Respondent was hired to do. Respondent recently sent Complainant to collections and says Complainant owes him an accrued total of \$2,200.

**State Bar File No. 16-0674**

Complainant: Michelle Allen

ER's: 1.5, 1.15, 1.16, and 8.4(c), (d)

Allegations: Complainant hired Respondent in 2014 for a \$3,000 flat fee for child support modification and file for contempt against the ex-husband for

failing to have a QDRO filed. Respondent charged Complainant an additional \$1,500 to pursue the contempt. Respondent filed a fee application stating his attorney's fees for filing the motion for contempt was \$3,480. Complainant had already paid Respondent \$4,500, so the \$3,480 belonged to her. When Complainant went to Respondent's office to pick up her check, Respondent told her he would only give her \$1,480. Respondent did not give Complainant a copy of her file. Complainant fired Respondent and asked him to file motion to withdraw. Respondent charged Complainant for work he did after she fired him.

**State Bar File No. 16-1057**

Complainant: Bladimir Duarte Hernandez

ER's: 1.2, 1.3, 1.4, 1.5 1.8(a), and 8.4(c), (d).

Allegations: Complainant retained Respondent for a medical malpractice matter. Respondent never provided a written document regarding fees and the scope of representation. Respondent made Complainant give Respondent the title to his car. Respondent would not do any work on the case until he had the title as proof of payment. Respondent refused to give Complainant a receipt for the title even though Complainant requested it several times. An autopsy was done on Complainant's common law wife, and Respondent refused to give Complainant a copy of that or any other documents prepared in the case. After Respondent was retained and took Complainant's car title, Respondent told Complainant that Complainant could not participate in the lawsuit because he and his wife weren't legally married.

**State Bar File No. 16-2407**

Complainant: Jesus E. Miranda.

ER's: 1.2, 1.3, 1.4, 1.5, 1.16, 8.4(c), (d).

Allegations: Complainant hired Respondent in May 2015 for his divorce case. Complainant says Respondent continually got in trouble with the judge for not being prepared. Complainant was to pay court-ordered alimony to wife. Respondent told Complainant to give the money to him, and Respondent would give it to wife's attorneys. Respondent never gave any money to opposing counsel and Complainant says the court wanted to have him arrested for failing to pay the court-ordered alimony. Complainant says he had to pay court-ordered alimony out-of-pocket to keep from being arrested. The divorce was finalized in March 2016, but Respondent never told Complainant. Complainant did not know Respondent was settling the case so he kept calling Respondent asking what was happening. Complainant received a letter from opposing counsel four months after the divorce became final telling Complainant that he had been ordered to pay wife \$800 a month for five years. Respondent failed to tell Complainant the divorce had been finalized.

**State Bar File No. 16-2417**

Complainant: State Bar of Arizona Trust Account.

ER's: 1.15 and Rule 43.

Allegations: A transaction was presented for payment in the amount of \$1,070.00 on July 20, 2016, against Respondent's client trust account. There were insufficient funds in Respondent's client trust account, causing an overdraft in the amount of <\$376.00>. Respondent failed to respond to the initial charging letter.

**State Bar File No. 16-3279**

Complainant: Silvia Banuelos.

ER's: 1.1, 1.2, 1.3, 1.4, 1.5, 8.4(c), (d).

Allegations: Complainant hired Respondent in May 2015 for an immigration case. Complainant is a citizen and she paid Respondent to help her husband obtain legal status. Complainant's husband had a deportation and prior DUIs. Complainant says that Respondent told her that he would be able to obtain a pardon for husband. Complainant paid Respondent \$6,000 because Respondent told her he would be able to "clean up" her husband's record. Complainant says that Respondent then advised her that the \$6,000 was to prepare the petition to get the case reviewed, and that he would need more money. Complainant then talked to other attorneys who told her that Respondent would not be able to "clean up" husband's record because he had multiple deportations and DUI's.

**State Bar File No. 16-3378**

Complainant: Mayre Martinez.

ER's: 1.1, 1.2, 1.3, 1.4, 1.5, 8.4(c), (d).

Allegations: Complainant hired Respondent on July 25, 2015, for her "husband's" immigration case. She paid Respondent \$1,300 for the immigration case and an additional \$5,000 to "clean up" her "husband's" criminal record. Complainant says Respondent told her that if she married her "husband" then she would be able to get him legal immigration status. Complainant also says Respondent advised her to hide her "husband" from immigration until Respondent had "cleaned up" his record. Complainant says that ICE picked up her "husband" and Respondent stopped working on the case and stopped communicating with her. Complainant says that Respondent charged her \$5,000 to "clean up" the criminal record when he knew that there was nothing he could do for her or her "husband."

**State Bar File No. 16-3820**

Complainant: Vicente Sanchez

ER's: 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 5.5, 8.4(c), (d).

Allegations: Complainant hired Respondent in August 2016 to represent his brother in a criminal case and paid Respondent \$7,500 of the total cost

\$10,000. Complainant says he was not able to speak to Respondent, he could only speak to Respondent's assistant. The assistant told Complainant that Respondent would be visiting his brother in jail, but Respondent never did. In November 2016, Complainant says his brother found out that Respondent had been suspended. Complainant tried to get a hold of Respondent, but was unable to do so.

**State Bar File No. 16-3827**

Complainant: State Bar of Arizona Judicial Referral

ER's: 3.1, 3.3(a), 3.4(c), 4.1(c), 8.4 (c) and (d).

Allegations: Respondent was mother's counsel on June 10, 2014, when he filed a Rule 69 stipulation and agreement, which was adopted by the Court on July 18, 2014, in FC 2002-007930, which purported to allow the child to be in the mother's care. The stipulation and order were entered into when the child was already dependent pursuant to the dependency petition filed in JD 27571, and therefore the Family Court did not have jurisdiction over the child. Respondent represented mother in both FC 2002-007930 and JD 27571, but failed to notify the Family Court judge of the existence of the dependency case. The court found the stipulation and order to be void due to lack of jurisdiction.

**State Bar File No. 16-3896**

Complainant: Jose Angel Diaz

ER's: 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.2, 8.4(c), (d).

Allegations: Complainant hired Respondent in 2016 for an immigration case and paid him \$4,140. Complainant says that Respondent never completed the work that he paid Respondent to complete. Complainant says that when he last spoke to Respondent in August or September 2016, Respondent never advised him that he was withdrawing from the case.

**State Bar File No. 16-4217**

Complainant: Fabian Meza

ER's: 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 8.4 (b), (c), (d).

Allegations: Complainant hired Respondent to represent him in his criminal case on May 6, 2016, and paid him \$12,500. Respondent filed his notice of appearance on May 13, 2016. On September 12, 2016, Respondent file a request for a bond hearing. On November 2, 2016, Respondent filed a motion to withdraw and falsely stated that he had retired in August 2016, when in actuality he was suspended from the practice of law for one year effective October 31, 2016. Complainant did not get a refund from Respondent.

EXHIBIT C

## Statement of Costs and Expenses

In the Matter of a suspended Member of the State Bar of Arizona,  
T. Anthony Guajardo, Bar No. 021500, Respondent

File Nos. 15-1320, 15-1817, 15-3235, 16-0623, 16-0674, 16-1057, 16-2407  
16-2417, 16-3279, 16-3378, 16-3820, 16-3827, 16-3896, 16-4217

### **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**

|          |   |    |      |
|----------|---|----|------|
| 10/04/16 | Investigator Mileage to Serve Subpoena    | \$ | 3.24 |
| 08/06/15 | Investigator Mileage to Retrieve Audio CD | \$ | 8.05 |
| 07/14/15 | Investigator Mileage to Retrieve Audio CD | \$ | 8.05 |

Total for staff investigator charges \$ 19.34

Total Costs and Expenses for each matter over 5 cases where a violation is admitted or proven.

(9 over 5 x (20% x 1,200))): \$2,160.00

**TOTAL COSTS AND EXPENSES INCURRED** **\$3,379.34**

EXHIBIT D

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**T. ANTHONY GUAJARDO**  
**Bar No. 021500**

Respondent.

**PDJ 2016-9126**

**JUDGMENT OF DISBARMENT**

[State Bar File Nos. 15-1320, 15-1817,  
15-3235, 16-0623, 16-0674, 16-1057,  
16-2407, 16-2417, 16-3279, 16-3378,  
16-3820, 16-3827, 16-3896, 16-4217]

Pursuant to Rule 57, Ariz. R. Sup. Ct., the undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona has considered Respondent's Consent to Disbarment dated \_\_\_\_\_, and filed herein. Accordingly:

**IT IS HEREBY ORDERED** accepting the consent to disbarment. Respondent, **T. Anthony Guajardo**, is hereby disbarred from the State Bar of Arizona and his name is hereby stricken from the roll of lawyers **effective immediately**.

Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court. Respondent 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** that no further disciplinary action shall be taken in reference to the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based.

**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.

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**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 January, 2017.

Copies of the foregoing mailed/emailed  
this \_\_\_\_\_ day of January, 2017, to:

T. Anthony Guajardo  
PO Box 36593  
Phoenix, AZ 85067-6593  
tanthonyguajardo12@gmail.com  
Respondent

Copy of the foregoing hand-delivered/emailed  
this \_\_\_\_\_ day of January, 2017, to:

Shauna R Miller, Bar No. 015197  
Bar Counsel - Litigation  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

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

By: \_\_\_\_\_