

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**TERIK HASHMI,**

**Respondent.**

**PDJ-2017-9026**

**FINAL JUDGMENT AND ORDER**

[State Bar File Nos. 15-2317, 15-2667,  
15-2705, 15-2725, 15-2726, 15-1773, 16-  
1311, and 16-2583]

**FILED MARCH 20, 2017**

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on March 2, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

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

**IT IS FURTHER ORDERED** Mr. Hashmi shall be placed on probation for a period of two (2) years and shall participate in the SBA's Fee Arbitration Program. Mr. Hashmi shall contact the Fee Arbitration Coordinator at (602) 340-7379 within ten (10) days from the date of this order to obtain the forms necessary to participate in Fee Arbitration in SBA file nos. 15-2317, 15-2667, 15-2705, 15-2725, 15-2726,

15-1773, 16-1311, and 16-2583. Mr. Hashmi shall file the necessary forms no later than thirty (30) days from the date of receipt of the forms. Mr. Hashmi shall have thirty (30) days of the date of letter from the Fee Arbitration Coordinator to comply with any award entered in the Fee Arbitration proceeding.

### **NON-COMPLIANCE LANGUAGE**

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within thirty (30) days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

**IT IS FURTHER ORDERED** Mr. Hashmi shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,920.00, within thirty (30) days from the date of this Order.

**DATED** this 20th day of March, 2017.

*William J. O'Neil*

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

COPY of the foregoing e-mailed  
on March 20, 2017, and mailed  
on March 21, 2017, to:

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Respondent's Counsel

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by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**TERIK HASHMI,**

Respondent.

**PDJ-2017-9026**

**DECISION AND ORDER  
ACCEPTING DISCIPLINE  
BY CONSENT**

[State Bar File Nos. 15-2137,  
15-2667, 15-2705, 15-2725, 15-  
2726, 15-1773, 16-1311 & 16-  
2583]

**FILED MARCH 20, 2017**

Probable Cause Orders were issued on August 31, 2016 and December 28, 2016. No formal complaint has been filed and no probable cause order has issued in 16-1311 or 16-2583. The parties filed their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. on March 2, 2017.

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. Hashmi 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. Notice of this Agreement and an opportunity to object as required by Rule 53(b)(3), Ariz. R. Sup. Ct., was sent to complainants by letter dated November 3, 2016 and November 8, 2016. No objections have been filed.

The Agreement details a factual basis to support the conditional admissions. Mr. Hashmi conditionally admits he violated Supreme Court Rule 42, ER 1.1 (competence), ER 1.3 (diligence), ER 1.4 (communication), ER 1.5 (fees), ER 1.15 (safekeeping property), ER 1.16 (terminating representation), ER 8.4(d) (conduct prejudicial to the administration of justice), and Rule 54(d)(2) (failure to furnish information). The agreed upon sanctions are: reprimand and two (2) years of probation (fee arbitration), and the payment of costs totaling \$1,920.00 within thirty (30) days. Restitution is not an issue.

Mr. Hashmi is a non-Arizona attorney but was admitted to practice law in Ohio on February 2, 1995. In multiple counts, Mr. Hashmi conditionally admits he took money for representation on behalf of multiple clients in federal immigration matters and then provided little or no legal services of any value to his clients. Mr. Hashmi kept all of the monies paid to him for representation, failed to provide proof of written fee agreements, failed to make accountings despite demands from clients,

failed to attend one client's green card interview, and denied refunds to the clients without justification. Mr. Hashmi abandoned his clients.

By example, in Count I, Mr. Hashmi admits he took as a "flat fee" of \$1,500 plus filing fee of \$420 to represent a woman before the Department of Homeland Security and U.S. Immigration Services and file an I-130. He then took for an additional \$1,500 to represent his client in immigration detention matters. He then took an additional \$6,000 to file other documents and supporting defenses.

Mr. Hashmi took the \$420 cashier's check from his client and used it to file an I-130 for a different person. He then failed to file her application for over three months. At the woman's immigration hearing and application for political asylum hearing, Mr. Hashmi did not appear. When she was released from custody, Mr. Hashmi demanded another \$420 for the I-30 filing fee. The woman sought and received the assistance of the Florence Project due to the failings of Mr. Hashmi. When the client sought to terminate his representation, Mr. Hashmi falsely said the court would not allow it. Mr. Hashmi warned her effort to terminate his representation would harm her case. He never filed an I-30 or took any meaningful action for his client. His six other counts follow a similar pattern.

Mr. Hashmi failed to respond to the State Bar's investigation. Mr. Hashmi argues this was due to a dispute with his landlord, he was locked out of his offices

in Tucson, AZ in August 2015, and unable to regain access to his office and client files until the end of September 2015.

Rule 58(k) provides sanctions shall be determined in accordance with the *American Bar Association Standards for Imposing Lawyer Sanctions*, (“*Standards*”). The parties agree Mr. Hashmi violated his duties his clients, the legal system, the profession and the public. Mr. Hashmi knowingly violated ERs 1.1 1.3 [Diligence] , 1.4(a)(3) and (4), 1.5(a) [Fees], 1.15 [Safekeeping Property], 1.16(d) [Terminating Representation], and Rule 54(d)(2) [Failure to Furnish Information]; and negligently violated ER 1.1 [Competence], and ER 8.4(d) [Conduct Prejudicial of the Administration of Justice].

The parties agree Mr. Hashmi caused both actual and potential harm to his clients, the profession, the legal system and the public.

The parties agree the presumptive sanction is suspension and *Standard 4.42, Lack of Diligence* applies to Mr. Hashmi’s violation of ER 1.3 and ER 1.4. It provides that suspension is generally appropriate when:

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client,  
or
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

The parties further agree factors 9.22(b) dishonest or selfish motive, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency, 9.22(g) refusal to acknowledge wrongful nature of conduct, 9.22(h) vulnerability of victim, and 9.22(j) indifference to restitution are present in aggravation. In mitigation are factors 9.32(a) absence of prior disciplinary record and 9.32(f) inexperience in the practice of law. Although experienced in Western European immigration law, Mr. Hashmi admits he was not experienced to handle the demographic of clients in Arizona or Mexican immigration law.

The PDJ finds a multi-year suspension is warranted under the facts. Although a suspension is warranted, because Mr. Hashmi is not licensed in Arizona, the most sever sanction that may be imposed is reprimand. *See In re Olson*, 180 Ariz. 5, 7, 881 P.2d 338, 339 (1994). Therefore, the PDJ finds the proposed sanctions of reprimand and probation meets the overall objectives of attorney discipline. The Agreement is therefore accepted; accordingly:

**IT IS ORDERED** incorporating the Agreement and any supporting documents by this reference. The agreed upon sanction are: reprimand and two (2) years of probation (fee arbitration), and the payment of costs and expenses of the disciplinary proceeding totaling \$1,920.00, to be paid within thirty (30) days from

this date. There are no costs incurred by the office of the presiding disciplinary judge.

**IT IS FURTHER ORDERED** the Agreement is accepted. Costs as submitted are approved for \$1,920.00. A final judgment and order is signed this date.

**DATED** this March 20, 2017.

*William J. O'Neil*

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

COPY of the foregoing e-mailed on March 20, 2017, and mailed on March 21, 2017, to:

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Respondent's Counsel

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

MAR 2 2017

FILED

BY



**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**TERIK HASHMI  
Ohio Bar No. 0064329**

Respondent.

PDJ ~~15-2017-9026~~ 2017-9026

State Bar File Nos. 15-2317,  
15-2667, 15-2705, 15-2725,  
15-2726, 15-1773, 16-1311,  
and 16-2583

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

The State Bar of Arizona (SBA), through undersigned Bar Counsel, and Respondent, Terik Hashmi, who is represented in this matter by counsel, Robert Brewster Van Wyck, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was filed on August 31, 2016 in the following cases: 15-2317, 15-2667, 15-2725, and 15-2726.

And, a probable cause order was filed on December 28, 2016, in the following cases: 15-2705 and 15-1773. No formal complaint has been filed in this matter. This Agreement will also resolve the following cases, for which there is not yet a probable cause order: 16-1311 and 16-2583. 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.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainants by letter dated November 3, 2016 for the following cases: 15-2317, 15-2667 and 16-1311. The remaining Complainants were advised by letters dated November 8, 2016, which letters were transcribed into Spanish. Complainants have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge. As of the date of this Agreement, no such objections have been received by the State Bar.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.1 [Competence], ER 1.3 [Diligence], ER 1.4 [Communication], ER [1.5], ER 1.15 [Safekeeping Property], ER 1.16 [Terminating Representation], ER

8.4(d) [Conduct Prejudicial to the Administration of Justice], and Rule 54(d)(2) [Failure to Furnish Information]. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with Probation. 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.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

## **FACTS**

### **GENERAL ALLEGATIONS COMMON TO ALL COUNTS**

1. Respondent is a non-Arizona attorney. Respondent was admitted to practice law in Ohio on February 2, 1995.

#### **COUNT ONE (File no. 15-1773/Gutierrez Velarde)**

2. In January 2015, Complainant Vincente Gutierrez Velarde (Velarde) and his wife, Lady Elizabeth Rosa Sosa (Wife) retained Respondent to represent Wife, who was being detained at the time, in certain immigration matters.

3. Velarde executed an initial fee agreement and agreed to pay a \$1,500 flat fee for Respondent to represent Wife before the Department of Homeland

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<sup>1</sup> 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.

Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) and file an I-130, Petition for Alien Relative (I-130), only. Velarde agreed to pay the \$420 filing fee for the I-130 and a \$250 “administrative cost fee.”

4. Velarde executed a second fee agreement and agreed to pay an additional \$1,500 for Respondent to represent Wife in initial immigration detention matters; to review available defenses to removal and eligibility for release; and to cover personal attorney visitation at the Federal Detention Center.

5. In February 2015, Wife executed a third fee agreement and agreed to pay an additional \$6,000 for Respondent to file an application for humanitarian parole; file an asylum application and supporting defenses/evidential package; and appear before the US Asylum Unit, at a “Reasonable Fear” interview, if conducted, and before the US Immigration Court, if required.

6. Velarde and Wife paid Respondent \$6,328 in attorney fees under the fee agreements. And, on or about January 23, 2015, they delivered to Respondent a \$420 money order, serial number 22612576421, for the I-130 filing fee.

7. Velarde later requested and obtained a copy of the negotiated money order, serial number 22612576421, from the Post Office and learned that Respondent had used the money order to file an I-130 for someone other than Wife.

8. Respondent did not file a notice of appearance with the Immigration Court until on or about April 22, 2015, at which time he advised the Court that he had “just been retained,” despite having been retained in January 2015.

9. Respondent was to appear at Wife’s immigration hearing on June 25, 2015, and an application for political asylum. Respondent failed to appear. After calling the case, the Court advised Wife that Respondent could not appear because he had been in an accident. Respondent’s office did not contact Velarde or Wife to advise them of same. Velarde called Respondent’s office after the hearing and asked for proof of the accident, but was never provided with same.

10. Thereafter, Respondent told Velarde that he was working on filing paperwork to secure Wife’s release from detention and demanded that Velarde provide certain documentation on short notice. Velarde did so on a Monday and Wife was released two (2) days later.

11. After her release, Velarde and Wife went to Respondent’s office for a status update. Respondent initially told Velarde that he was waiting for Velarde’s authorization to file the paperwork seeking Wife’s release. When Velarde told Respondent that Wife had already been released, Respondent did not believe Velarde. Velarde then asked Wife come into the office, at which time Respondent took responsibility for securing her release.

12. On or about July 4, 2015, Respondent asked Velarde for a \$420 money for the I-130 filing fee, even though Velarde had already provided it to Respondent.

13. Velarde sought the assistance of the Florence Project, a program that provides free legal services to individuals in immigration custody in Arizona, to secure Wife's release from detention and to request that the case be transferred to Washington State, which request was granted by order dated August 19, 2015.

14. In August or September 2015, Velarde called Respondent's office to terminate the representation, but was told that the Court would not allow it. He was also warned that it would hurt Wife's case if she tried to do so. Velarde consulted with another attorney before he called Respondent again to terminate the representation. However, every time Velarde called, he was transferred to Respondent's voicemail. Respondent did not return Velarde's calls.

15. When he terminated Respondent, Velarde did not have money to hire another attorney right away. So, Velarde, his then-pregnant Wife, and their two daughters all slept in his brother-in-law's living room while he saved money to do so.

16. On or about February 13, 2016, Velarde retained Attorney Alejandro Villacorta, who advised that Respondent was still Wife' attorney of record. He advised Velarde to terminate the representation in writing, which he did

immediately. Velarde called Respondent's office to confirm receipt of the faxed termination letter, but no one answered.

17. Velarde repeatedly demanded a copy of Wife's client file, which Respondent ultimately sent Attorney Villacorta on a CD, along with a money order for \$420.

18. Attorney Villacorta accompanied Wife to an immigration hearing in March 2016, at which time he filed an application for political asylum on her behalf.

19. Respondent filed numerous requests to appear telephonically at hearings and to visit Wife while she was in detention, but he did neither. Nor did Respondent ever file an I-130 for Wife.

20. If this matter were to go to hearing, Respondent would testify that any difficulties encountered by the client during the representation were the result of Respondent's dispute with a former landlord in Tucson, who allegedly barred Respondent and his staff from his office in August 2015. Respondent would testify that he was unable to re-gain access to his office and client files until the end of September 2015.

**COUNT TWO (File no. 15-2317/Bello)**

21. On November 12, 2014, Bill Bello retained Respondent on behalf of his wife, Ernestine Perez Quiterio (Wife), who had been deported.

22. Bello signed a Retainer Agreement and agreed to pay \$1,500 for Respondent to represent Wife before DHS/USCIS; file a Freedom of Information Act (FOIA) Request for Government Records; review prior exclusion/deportation orders and other immigration violations; and review available waivers of inadmissibility and re-entry options for Wife.

23. Bello paid Respondent \$2,500 under the Retainer Agreement as follows: \$500 on November 12, 2014; \$1,500 by check number 102, dated December 17, 2014; and an additional \$500, on an unknown date.

24. Bello provided Respondent's assistant, Eric Salazar, with the family's birth certificates and immigrations documents necessary for Respondent to perform under the Retainer Agreement.

25. On January 28, 2015, Bello signed a second Retainer Agreement and agreed to pay an additional \$2,500 for Respondent to represent Wife before DHS/USCIS and file an I-130.

26. Approximately one and a half months before he ultimately terminated the representation, Bello asked Respondent for a status update and was advised that Respondent had filed documents with USCIS on Wife's behalf. Salazar gave Bello a tracking number so that he could track the progress of the document with USCIS.

27. However, when Bello contacted USCIS with the tracking number, he learned that nothing had been filed by Respondent on Wife's case. Bello

confronted Eric Salazar about what he had learned, terminated the representation and demanded a refund. Shortly thereafter, Bello spoke with Respondent, who advised that Salazar had been “let go” and offered to continue the representation “for free,” with the exception of filing fees. Bello asked Respondent to put his offer “in black and white.”

28. By email dated June 8, 2015, Respondent apologized to Bello for the delay, but confirmed that he would complete all of Wife’s filings “per the Agreement” and that he would not charge any additional fees until after the I-130 had been filed and acknowledged by DHS. Respondent promised to contact Bello shortly to review “the final few items/info required” to file the I-130, but he never did so.

29. Respondent took no action on Wife’s case after he sent the June 8, 2015 email to Bello.

30. By letter dated September 24, 2015, Bar Counsel sent Respondent a screening letter to his last known address in Tucson and asked that he respond to the allegations set forth in the bar charge on or before October 14, 2015. He did not do so.

31. By letter dated October 20, 2015, Bar Counsel sent Respondent a 10-day reminder letter asking that he respond to the allegations set forth in the bar charge on or before October 30, 2015. He did not do so.

32. Thereafter, Bar Counsel located an address for Respondent in Miami, Florida and on November 4, 2015, Bar Counsel faxed another screening letter to Respondent, to which he finally responded.

33. If this matter were to go to hearing, Respondent would testify that any difficulties encountered by the client during the representation were the result of Respondent's dispute with a former landlord in Tucson, who allegedly barred Respondent and his staff from his office in August 2015. Respondent would testify that he was unable to re-gain access to his office and client files until the end of September 2015.

34. Respondent provided Bar Counsel with a page entitled "Attorney Notes," during the screening investigation. It reflects that research for Wife's case was completed on June 8, 2015, and that a FOIA application and I-130 were prepared on July 15, 2015. The next and last activity reflected on the "Attorney Notes" was a final case review on October 19, 2015.

35. Respondent did not return Bello's original documents upon the termination of the representation. As a result, Bello had to secure additional copies of his and Wife's birth certificates.

36. Respondent did not provide Bello with a final accounting of services rendered. Nor did he advise Bello why he was entitled to retain all of the monies paid under the Fee Agreements.

**COUNT THREE (File no. 15-2667/Ayala)**

37. In July 2015, Maritza Ayala (Ayala) and her husband, Francisco Alvarez (Husband), retained Respondent to file an Application for Waiver of Grounds of Inadmissibility (I-601).

38. On July 7, 2015, Husband signed a Retainer Agreement and agreed to pay a \$3,000 flat fee for Respondent to represent him before DHS/USCIS and the National Visa Center (NVC); to file an I-601; to prepare and assist with Consular Applications (Mexico); and to file an application for Lawful Permanent Residence (US Embassy/Mexico). Husband also agreed to pay filing fees and a one-time administrative cost of \$500 “for INSZoom Case Management, Int’l courier services, Int’l Fed Ex, shipping, mail, copy expenses, long distance/international telephone charges, etc.”

39. Ayala paid Respondent \$2,585 under the Retainer Agreement as follows: \$500 on June 7, 2015; \$500 on July 10, 2015; and an additional \$1,585 on September, 29, 2015.

40. By email dated October 8, 2015, Respondent advised Ayala that he was finalizing the I-601 and promised to update her prior to its filing “in very near future.”

41. Ayala responded by email that day to remind Respondent that she had not received a receipt for the \$1,585 payment; to ask for a return call; and to advise

Respondent that she had been “trying to call you and haven’t been successful, I went into your Tucson office and they stated you are no longer there. Its [sic] urgent you contact me.”

42. By email dated October 9, 2015, Respondent provided Ayala with a receipt for the \$1,585 payment; promised to contact her “shortly” with an update; and promised to schedule an in-person appointment at the Phoenix office which was “presently being opened.” The email was sent from Respondent’s Miami office.

43. Respondent provided Bar Counsel with a copy of his Attorney Notes from Ayala’s file during the screening investigation. According to the Attorney Notes, Respondent took no action on the case after he sent the October 9, 2015 email.

44. On October 15, 2015, the State Bar received Ayala’s bar charge against Respondent.

45. By letter dated November 9, 2015, Bar Counsel sent Respondent a screening letter to his last known address in Phoenix, having learned that Respondent closed his Tucson office, and asked that he respond to the allegations set forth in the bar charge on or before November 30, 2015.

46. During the screening investigation, Bar Counsel found it impossible to make direct contact with Respondent, despite numerous attempts to do so. The

State Bar was forced to track down Respondent's contact information in Washington D.C. and Miami in order to send him the screening letter.

47. If this matter were to go to hearing, Respondent would testify that any difficulties encountered by the client during the representation were the result of Respondent's dispute with a former landlord in Tucson, who allegedly barred Respondent and his staff from his office in August 2015. Respondent would testify that he was unable to re-gain access to his office and client files until the end of September 2015.

48. According to the Attorney Notes, Respondent (or someone in his office) met with Ayala on July 7, 2015 and July 10, 2015; placed a follow-up call to the client on August 1, 2015; placed follow-up calls to the client about outstanding fees and costs on September 23, 2015 and September 27, 2015; and sent the client a receipt for a payment on October 9, 2015.

49. After she terminated the representation, Ayala consulted with attorney, Patricia Mejia, and learned that Husband was not eligible for relief under an I-601 because he had already illegally entered the United States twice, which information was disclosed to Respondent. If Respondent had filed the I-601 and Husband had travelled to Mexico to participate in the required interview, Husband would have been forced remain in Mexico for a period of years.

**COUNT FOUR (File no. 15-2705/Ibarra-Roman)**

50. On or about November 8, 2014, Angela Ibarra-Roman retained Respondent and signed a fee agreement by which she agreed to pay a \$3,500 flat fee and various filing fees for Respondent to file an I-130, an I-485 Application to Register Permanent Residence or Adjust Status (I-485), and various related petitions on her behalf.

51. During the representation, Ibarra-Roman paid Respondent \$2,000 in attorney fees and \$1,420 in USCIS filing fees. Respondent maintains Ibarra-Roman still owes \$70 in USCIS filing fees; \$500 that became due when USCIS issued the formal case receipt; and \$1,000 that was to be paid prior to the client's Lawful Permanent Residence (Green Card) interview. However, Respondent did not attend the client's Green Card interview and Ibarra-Roman secured the assistance of a document preparer to submit required information to the USCIS, which Respondent had failed to do.

52. Ibarra-Roman met with Respondent twice when she retained him in the Fall of 2014. Thereafter, she dealt only with staff until she met with Respondent again in the Summer of 2015.

53. On February 23, 2015, Ibarra-Roman provided Respondent with the supporting documentation necessary to file the various applications including, but not limited to, medical examinations, legal documents and personal photographs.

54. In May 2015, Respondent's staff told Ibarra-Roman that the various applications had been filed, which was not true. Respondent later told the client that his assistant had merely given her the incorrect information.

55. By letter dated June 26, 2015, Respondent provided a general "Notification of Law Firm Representation," by which he advised that Ibarra-Roman was a Green Card applicant. However, as of the date of the letter, Respondent had not yet filed an I-485 on the client's behalf.

56. In July 2015, Ibarra-Roman met with Respondent in his Tucson office and which time he told her that that I-485 had been filed on either June 10<sup>th</sup> or 11<sup>th</sup>. Respondent told the client that she would receive a confirmation letter from the USCIS. However, the I-485 had not, in fact, been filed.

57. On October 18, 2015, Respondent filed the I-130, I-485 and I-601 applications. Also on that date, Respondent sent Ibarra-Roman a letter advising that he had closed the Tucson office and relocated to Phoenix. Thereafter, Ibarra-Roman submitted a bar charge against Respondent to the SBA.

58. By letter dated November 9, 2015, Bar Counsel sent Respondent a screening letter to his last known address in Phoenix, having learned that Respondent closed his Tucson office, and asked that he respond to the allegations set forth in the bar charge.

59. During the screening investigation, Bar Counsel found it impossible to make direct contact with Respondent, despite numerous attempts to do so. The State Bar was forced to track down Respondent's contact information in Washington D.C. and Miami in order to send him the screening letter.

60. By letter dated November 10, 2015, Respondent was advised by USCIS that the I-485 could not be processed because he had failed to submit the necessary supporting documentation (RFE). Ibarra-Roman received a similar letter and took steps to submit the documents that Respondent should have included with the I-485. She had already done so by the time Respondent advised her of the problem.

61. If this matter were to go to hearing, Respondent would testify that any difficulties encountered by the client during the representation were the result of Respondent's dispute with a former landlord in Tucson, who allegedly barred Respondent and his staff from his office in August 2015. Respondent would testify that he was unable to re-gain access to his office and client files until the end of September 2015.

62. During the screening investigation, Respondent provided Bar Counsel with the "Attorney Notes" from Ibarra-Roman's case. According to those notes, Respondent (or someone from his office) met with the client on November 7<sup>th</sup> and

13<sup>th</sup> and December 23, 2014. No legal work was performed thereafter until Respondent's office filed the I-130, I-485, I-601 on October 18, 2015.

63. By letter dated February 3, 2016, the USCIS mailed Ibarra-Roman's Green Card to Respondent as her counsel of record.

64. On February 16, 2016, Ibarra-Roman, having found out from the USCIS website that the Green Card had been issued, tried to reach Respondent by telephone to find out where it was.

65. By letter dated February 20, 2016, Respondent advised Ibarra-Roman that the I-765 and I-130 had been approved; terminated the representation because Ibarra-Roman had secured the services of a third-party to respond to the RFE; and demanded that Ibarra-Roman pay him the outstanding balance due under the fee agreement.

66. By letter dated February 22, 2016, Respondent advised Bar Counsel that he had sent Ibarra-Roman the "Green Card." However, Ibarra-Roman did not receive it until May 2016 because Respondent sent it to the wrong address.

67. If this matter went to hearing, Ibarra-Roman would testify that due to Respondent's failure to reasonably communicate or act diligently, she did not travel to Mexico to visit her dying mother because she feared it might negatively impact the case. She paid a third party to comply with the RFE, which was caused by Respondent's failure to include all necessary information with the application.

Ibarra-Roman also had to pay for updated medical examinations for the family because they had expired after one (1) year.

**COUNT FIVE (File no. 15-2725/Padilla-Lopez)**

68. In May 2015, Monica Padilla-Lopez (Padilla-Lopez) met with Respondent about an immigration hearing pending in August 2015. Padilla-Lopez retained Respondent and paid him \$700 of the \$1,500 fee that she agreed to pay for the legal services. Respondent told Padilla-Lopez that he would send her a fee agreement as soon as she paid the remaining \$800. Padilla-Lopez did not meet with Respondent again during the representation. Instead, she met with several of his staff. Respondent did not provide Padilla-Lopez with a fee agreement or other confirmatory writing setting forth the scope of the representation or the fees/costs to be incurred by Padilla-Lopez.

69. Respondent's assistant, Erik Salazar, asked Padilla-Lopez to provide him with various documents and told her that Respondent was going to charge an additional \$1,500 to get her "record" and that it would cost an additional \$2,000 to \$4,000 to complete the immigration process.

70. In June 2015, Padilla-Lopez went to Respondent's office to request a refund after becoming concerned that Respondent was not providing her with adequate representation. She met with Salazar, who told Padilla-Lopez to "come

back another time.” She scheduled two (2) meetings with Salazar to get a refund, but Respondent’s office cancelled both appointments.

71. On June 26, 2015, Padilla-Lopez met with another of Respondent’s employees, Javier Murillo, and told him that she was going to return to Mexico, terminated the representation and asked for a refund. Murillo advised Padilla-Lopez that Respondent had moved his office and gave her the new number. Padilla-Lopez tried to call Respondent using the new number, but got a voicemail message every time she tried to reach him.

72. Thereafter, Padilla-Lopez retained another attorney, Joshua de la Ossa, to handle her immigration issues. Respondent did not provide Padilla-Lopez with a final accounting or a refund of unearned fees.

73. By letter dated November 9, 2015, Bar Counsel sent Respondent a screening letter to his last known address in Phoenix, having learned that Respondent closed his Tucson office. Bar Counsel also faxed a copy of the screening letter to his Miami, Florida office.

74. During the screening investigation, Bar Counsel found it impossible to make direct contact with Respondent, despite numerous attempts to do so. The State Bar was forced to track down Respondent’s contact information in Washington D.C. and Miami in order to send him the screening letter.

75. If this matter were to go to hearing, Respondent would testify that any difficulties encountered by the client during the representation were the result of Respondent's dispute with a former landlord in Tucson, who allegedly barred Respondent and his staff from his office in August 2015. Respondent would testify that he was unable to re-gain access to his office and client files until the end of September 2015.

76. During the screening investigation, Respondent provided Bar Counsel with a one-page document entitled "Attorney Notes" from Padilla-Lopez's client file, a receipt for a \$400 payment by Padilla-Lopez, and a copy of sticky notes dated June 26, 2015 reflecting that Padilla-Lopez wanted to terminate the representation and asked for a refund.

77. According to Respondent's "Attorney Notes," he completed the client's case research on June 1, 2015; completed "extensive" review of the client's case with an interpreter on July 1, 2015; and sent Padilla-Lopez a letter dated October 19, 2015 advising her that he had relocated his office Phoenix. The Attorney Notes do not reflect any other activity on Padilla-Lopez's case or any communication with her. And, Respondent's "research" consisted of a Homeland Security document that appears to have been downloaded from the internet entitled "How to Apply for Voluntary Departure."

**COUNT SIX (File no. 15-2726/Padilla-Lopez)**

78. On February 10, 2015, Guadalupe Padilla-Lopez retained Respondent to represent her in an immigration matter and executed two (2) fee agreements by which she agreed to pay Respondent 1) \$500 to file a FOIA request and to evaluate her immigration options, and 2) \$4,500 to file a Petition for Special Immigrant, as an abused spouse of a United States citizen (I-360) and prepare Padilla-Lopez to testify in support thereof and to file an Application for Employment Authorization.

79. Padilla-Lopez paid Respondent \$3,800 under the fee agreements, as follows: \$500 on February 11, 2015 for the FOIA request; \$500 on February 26, 2015 for the I-360, \$2,300 in April 2015; and an additional \$500 on an unknown date.

80. Respondent did not file the FOIA request until May 1, 2015.

81. On May 11, 2015, Padilla-Lopez provided Respondent's office with additional documents and updated her address.

82. On June 1, 2015, Respondent completed the first draft of the I-360. He did not complete a second draft until October 8, 2015. And, Respondent never sent Padilla-Lopez a completed I-360 for her signature.

83. Respondent did not communicate with Padilla-Lopez between June 1 and October 8, 2015.

84. Respondent received a response to the FOIA request on October 17, 2015, which he forwarded to Padilla-Lopez two (2) days later, along with notice that he had relocated to Phoenix.

85. By letter dated November 9, 2015, Bar Counsel sent Respondent a screening letter to his last known address in Phoenix, having learned that Respondent closed his Tucson office, and faxed it to his office in Miami, Florida, and asked that Respondent respond to the allegations set forth in the bar charge.

86. During the screening investigation, Bar Counsel found it impossible to make direct contact with Respondent, despite numerous attempts to do so. The State Bar was forced to track down Respondent's contact information in Washington D.C. and Miami in order to send him the screening letter.

87. If this matter were to go to hearing, Respondent would testify that any difficulties encountered by the client during the representation were the result of Respondent's dispute with a former landlord in Tucson, who allegedly barred Respondent and his staff from his office in August 2015. Respondent would testify that he was unable to re-gain access to his office and client files until the end of September 2015.

88. During the screening investigation, Respondent provided Bar Counsel with a one-page document entitled "Attorney Notes, which reflects no substantive activity on Padilla-Lopez's case after May 11, 2015.

## **CONDITIONAL ADMISSIONS**

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.1 [Competence], ER 1.3 [Diligence], ER 1.4(a)(3) and (4) [Communication], ER 1.5(a) [Fees], ER 1.15 [Safekeeping Property], ER 1.16(d) [Terminating Representation], ER 8.4(d) [Conduct Prejudicial to the Administration of Justice], and Rule 54(d)(2) [Failure to Furnish Information].

### **Count One (15-1773)**

1. ER 1.3 [Diligence] A lawyer shall act with reasonable diligence and promptness in representing a client.

2. ER 1.4(a)(3) and (4) [Communication] A lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information.

3. ER 1.5(a) [Fees] A lawyer shall not collect an unreasonable fee or an unreasonable amount for expenses.

4. ER 1.15 [Safekeeping Property] A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees as earned or expenses incurred.

5. ER 1.16(d) [Termination of Representation] Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable 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.

6. ER 8.4(d) [Misconduct] It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

**Count Two (15-2317)**

1. ER 1.3 [Diligence] A lawyer shall act with reasonable diligence and promptness in representing a client.

2. ER 1.4(a)(3) and (4) [Communication] A lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information.

3. ER 1.5(a) [Fees] A lawyer shall not collect an unreasonable fee or an unreasonable amount for expenses.

4. ER 1.16(d) [Termination of Representation] Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable 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.

5. ER 8.4(d) [Misconduct] It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

6. Rule 54(d)(2). [Failure to Furnish Information] The failure to respond promptly to any inquiry or request from bar counsel made pursuant to these rules for information relevant to pending charges, complaints or matters under investigation concerning conduct of a lawyer constitutes grounds for discipline.

### **Count Three (15-2667)**

1. ER 1.1 [Competence] A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. ER 1.3 [Diligence] A lawyer shall act with reasonable diligence and promptness in representing a client.

3. ER 1.4(a)(3) and (4) [Communication] A lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information.

4. ER 1.5(a) [Fees] A lawyer shall not collect an unreasonable fee or an unreasonable amount for expenses.

5. ER 1.16(d) [Termination of Representation] Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable 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.

6. ER 8.4(d) [Misconduct] It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

**Count Four (15-2705)**

1. ER 1.1 [Competence] A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. ER 1.3 [Diligence] A lawyer shall act with reasonable diligence and promptness in representing a client.

3. ER 1.4(a)(3) and (4) [Communication] A lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information.

4. ER 1.5(a) [Fees] A lawyer shall not collect an unreasonable fee or an unreasonable amount for expenses.

5. ER 1.16(d) [Termination of Representation] Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable 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.

6. ER 8.4(d) [Misconduct] It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

**Count Five (15-2725)**

1. ER 1.3 [Diligence] A lawyer shall act with reasonable diligence and promptness in representing a client.

2. ER 1.4(a)(3) and (4) [Communication] A lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information.

3. ER 1.5(a) [Fees] A lawyer shall not collect an unreasonable fee or an unreasonable amount for expenses.

4. ER 1.16(d) [Termination of Representation] Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable 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.

5. ER 8.4(d) [Misconduct] It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

**Count Six (15-2776)**

1. ER 1.3 [Diligence] A lawyer shall act with reasonable diligence and promptness in representing a client.

2. ER 1.4(a)(3) and (4) [Communication] A lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information.

3. ER 1.5(a) [Fees] A lawyer shall not collect an unreasonable fee or an unreasonable amount for expenses.

4. ER 1.16(d) [Termination of Representation] Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable 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.

5. ER 8.4(d) [Misconduct] It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

### **CONDITIONAL DISMISSALS**

None.

### **RESTITUTION**

Restitution is not an issue in this matter because Respondent has agreed to participate in the State Bar's Fee Arbitration Program.

### **SANCTION**

Respondent and the SBA agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Reprimand

and Probation, the sole term to be participation in the SBA's Fee Arbitration Program in all cases.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

### **LEGAL GROUNDS IN SUPPORT OF SANCTION**

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that *Standard* 4.42 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 4.42 provides that suspension is

generally appropriate when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

**The duty violated**

As described above, Respondent's conduct violated his duty to his clients (ERs 1.1, 1.3, 1.4 and 1.15), the profession (ERs 1.5 and 1.16), the legal system (ER 8.4(d) and Rule 54(d)(2)) and the public (ER 8.4(d)).

**The lawyer's mental state**

For purposes of this agreement the parties agree that Respondent knowingly violated ERs 1.3, 1.4(a)(3) and (4), 1.5(a), 1.15, 1.16(d) and Rule 54(d)(2), negligently violated ERs 1.1 and 8.4(d) 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, the parties agree that there was both actual and potential harm to clients, the profession, the legal system and the public.

**Aggravating and mitigating circumstances**

The presumptive sanction in this matter is suspension. However, because Respondent is not a member of the State Bar of Arizona, the Court is limited to the sanction of reprimand in this case. *See In re Olsen*, 180 Ariz. 5, 7, 881 P.2d 338, 339 (1994)(disbarment warranted; however, because respondent is not a member of

the State Bar of Arizona, the most severe sanction that can be imposed is censure [currently reprimand].)

The parties conditionally agree that the following aggravating and mitigating factors should be considered.

**In aggravation:**

*Standard 9.22(b)* Dishonest or selfish motive. Respondent accepted monies from clients who retained him to provide them with desperately needed legal services. Respondent provided little or no services of any real value to the clients, but retained substantially all of the monies paid to him.

*Standard 9.22(c)* A pattern of misconduct.

*Standard 9.22(d)* Multiple Offenses.

*Standard 9.22(e)* Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency. Respondent failed to timely respond to screening letters.

*Standard 9.22(g)* Refusal to acknowledge wrongful nature of conduct. Respondent has refused to refund to the clients unearned fees and/or expenses paid to him during the course of the representation.

*Standard 9.22(h)* Vulnerability of victim. Respondent's clients came to him for desperately needed assistance with immigration issues. As a result of his

actions, some voluntarily left the country and some paid monies to him that were ultimately of no value through no fault of their own.

*Standard 9.22(j)* Indifference to making restitution. Respondent denied clients refunds without justification.

**In mitigation:**

*Standard 9.32(a)* Absence of a prior disciplinary record.

*Standard 9.32(f)* Inexperience in the practice of law. While Respondent was an experienced practitioner in Western European immigration law, he admits that he was wholly unprepared to adequately represent clients in Arizona. He was not prepared to handle the client demographic or Mexican immigration laws.

*Standard 9.32(l)* Remorse. Respondent states that he feels genuine remorse. Separating the remorse he feels for the dreadful circumstance he found himself in after he was locked out of his leased office space in Tucson, Arizona, from the remorse that he feels for the clients who were impacted, admittedly by both his conduct and the conduct of others, is an ongoing process. Respondent admits that he did not handle being locked out of his leased office space well, which only served to cause more harm to the clients and difficulties for Respondent with the SBA. Respondent states that the entire experience has traumatized him such that he is not currently practicing law.

## Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction should be mitigated to a Reprimand and Probation for two (2) years, the sole term to be participation in the SBA's Fee Arbitration Program in each case.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This Court has previously observed that while it has jurisdiction, the State of Arizona is without the authority under the Supremacy Clause of the U.S. Constitution to prohibit Respondent from practicing immigration law in Arizona, if he remains duly licensed by appropriate governmental agencies. That remedy can only be enforced, at least currently, by those with the power to permit him to practice immigration law. *See e.g., Sperry v. The Florida Bar*, 373 U.S. 379 (1963) (involving a Florida resident, non-attorney, patent law practitioner licensed by the U.S. Patent and Trademark Office, who limited his practice to patent law).

Respondent is currently licensed to practice law by the State of Ohio. The ethical misconduct of an attorney authorized to practice in more than one jurisdiction may result in different consequences to that attorney in each of those jurisdictions, depending upon the precedents for that misconduct in the particular jurisdiction administering the discipline. *See Attorney Grievance Commission v.*

*Whitehead*, 390 Md. 663, 890 A.2d 751 (Md. App. 2006). Therefore, the State of Ohio will determine the appropriate sanction for Respondent's misconduct to maintain consistency with the discipline typically imposed on other attorneys who have committed similar misconduct in that jurisdiction.

Based on the *Standards* and considering 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. *See Peasley*, 208 Ariz. at 41, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Reprimand with Probation, the sole terms to be participation in the SBA's Fee Arbitration Program and the imposition of costs and expenses. A

proposed form order is attached hereto as Exhibit C.

DATED this 2<sup>nd</sup> day of March 2017

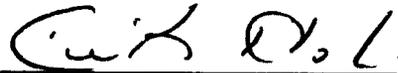
STATE BAR OF ARIZONA



Stacy L. Shuman  
Staff Bar Counsel

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

DATED this \_\_\_\_\_ day of February, 2017.



Terik Hashmi  
Respondent

DATED this 23<sup>rd</sup> day of February, 2017.

The Van Wyck Law Firm

3-2-17



Robert Brewster Van Wyck  
Counsel for 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 2<sup>nd</sup> day of March, 2017.

Copy of the foregoing emailed  
this 2<sup>nd</sup> day of March, 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 2<sup>nd</sup> day of March, 2017, to:

Robert Brewster Van Wyck  
The Van Wyck Law Firm  
6245 N 24th Pkwy Ste 208  
Phoenix, AZ 85016-2030  
Email: [bob@vanwycklaw.com](mailto:bob@vanwycklaw.com)  
Respondent's Counsel

Copy of the foregoing hand-delivered  
this 2<sup>nd</sup> day of March, 2017, to:

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

by: Karen S. Calione  
SLS: KEC

**EXHIBIT A**

## **Statement of Costs and Expenses**

In the Matter of a Member of the State Bar of Arizona,  
Terik Hashmi, Bar No. , Respondent

File Nos. 15-2317, 15-2667; 15-2705; 15-2725; 15-2726;  
15-1773; 16-1311; 16-2583

### **Administrative Expenses**

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

### ***General Administrative Expenses for above-numbered proceedings***

**\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

### **Staff Investigator/Miscellaneous Charges**

Total for staff investigator charges \$ 0.00

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

(3 over 5 x (20% x Gen. Admin cost)): \$ 720.00

**TOTAL COSTS AND EXPENSES INCURRED** **\$ 1,920.00**

**EXHIBIT B**

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**TERIK HASHMI  
Ohio Bar No. 0064329**

**PDJ 2016-**

**FINAL JUDGMENT AND  
ORDER**

State Bar File Nos. **15-2317,  
15-2667, 15-2705, 15-2725,  
15-2726, 15-1773, 16-1311,  
and 16-2583**

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

**IT IS HEREBY ORDERED** that Respondent, **Terik Hashmi**, is hereby Reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective as of the date of this order.

**IT IS FURTHER ORDERED** that Respondent shall be placed on probation for a period of two (2) years and shall participate in the SBA's Fee Arbitration Program. Respondent shall contact the Fee Arbitration Coordinator at 602-340-7379 within ten (10) days from the date of service of this Order to obtain the forms necessary to participate in Fee Arbitration in SBA file nos. 15-2317, 15-2667, 15-

2705, 15-2725, 15-2726, 15-1773, 16-1311 and 16-2583. Respondent shall file the necessary forms no later than thirty (30) days from the date of receipt of the forms. Respondent shall have thirty (30) days of the date of letter from the Fee Arbitration Coordinator to comply with the award entered in the Fee Arbitration proceeding.

**IT IS FURTHER ORDERED** that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

#### **NON-COMPLIANCE LANGUAGE**

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within thirty (30) days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

**IT IS FURTHER ORDERED** that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,920.00, within thirty (30) days from the date of service of this Order.

**IT IS FURTHER ORDERED** that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of \_\_\_\_\_, within 30 days from the date of service of this Order.

**DATED** this \_\_\_\_\_ day of March, 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, 2017.

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

Robert Brewster Van Wyck  
The Van Wyck Law Firm  
6245 N 24th Pkwy Ste 208  
Phoenix, AZ 85016-2030  
Email: bob@vanwycklaw.com  
Respondent's Counsel

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

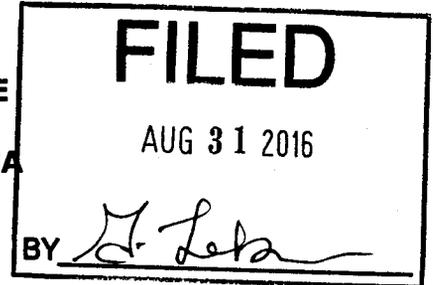
Stacy L Shuman  
Bar Counsel - Litigation  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Copy of the foregoing hand-delivered  
this \_\_\_\_\_ day of March, 2017 to:

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

by: \_\_\_\_\_

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



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

No. 15-2317

**TERIK HASHMI,**

**PROBABLE CAUSE ORDER**

Respondent.

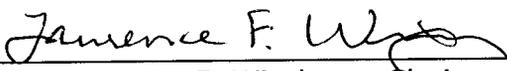
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on August 12, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 7-0-2<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-2317.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 30 day of August, 2016.

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

<sup>1</sup> Committee members Jeffrey B. Messing and Ben Harrison did not participate in this matter.

Original filed this 31<sup>st</sup> day  
of August, 2016, with:

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

Copy mailed this 1<sup>st</sup> day  
of September, 2016, to:

Robert Brewster Van Wyck  
The Van Wyck Law Firm  
6245 N. 24th Parkway, Suite 208  
Phoenix, AZ 85016-2030  
Respondent's Counsel

Copy emailed this 1<sup>st</sup> day  
of September, 2016, to:

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

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: Karen E. Calogno

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

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

**TERIK HASHMI,**

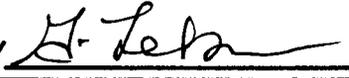
Respondent.

No. 15-2667

**PROBABLE CAUSE ORDER**

**FILED**

AUG 31 2016

BY 

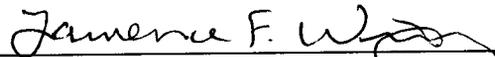
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on August 12, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 7-0-2<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-2667.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 30 day of August, 2016.



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

<sup>1</sup> Committee members Jeffrey B. Messing and Ben Harrison did not participate in this matter.

Original filed this 3<sup>rd</sup> day  
of August, 2016, with:

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

Copy mailed this 1<sup>st</sup> day  
Of September, 2016, to:

Robert Brewster Van Wyck  
The Van Wyck Law Firm  
6245 N. 24th Parkway, Suite 208  
Phoenix, AZ 85016-2030  
Respondent's Counsel

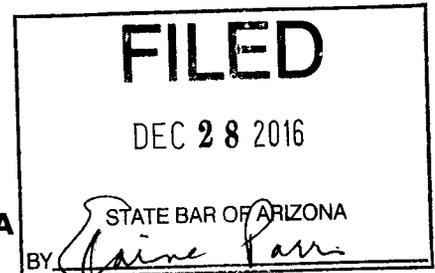
Copy emailed this 1<sup>st</sup> day  
of September, 2016, to:

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

Lawyer Regulation Records Manager  
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4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: Karen E. Calcasno

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



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

No. 15-2705

**TERIK HASHMI,**

**PROBABLE CAUSE ORDER**

Respondent.

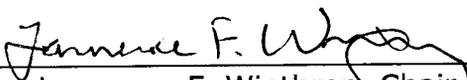
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 9, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-2705.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 28 day of December, 2016.

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

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

Original filed this 28<sup>th</sup> day  
of December, 2016, with:

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

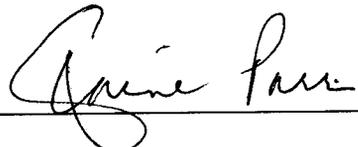
Copy mailed this 29<sup>th</sup> day  
of December, 2016, to:

Robert Brewster Van Wyck  
The Van Wyck Law Firm  
6245 N. 24th Parkway, Suite 208  
Phoenix, AZ 85016-2030  
Respondent's Counsel

Copy emailed this 29<sup>th</sup> day  
of December, 2016, to:

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of the Supreme Court of Arizona  
1501 West Washington Street, Suite 104  
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Lawyer Regulation Records Manager  
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4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: 

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

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

TERIK HASHMI,

Respondent.

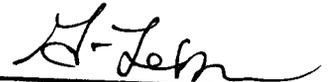
No. 15-2725

PROBABLE CAUSE ORDER

FILED

AUG 31 2016

BY



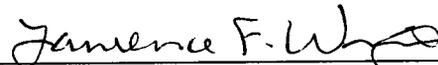
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on August 12, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 7-0-2<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-2725.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 30 day of August, 2016.



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

<sup>1</sup> Committee members Jeffrey B. Messing and Ben Harrison did not participate in this matter.

Original filed this 31<sup>st</sup> day  
of August, 2016, with:

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

Copy mailed this 1<sup>st</sup> day  
of September, 2016, to:

Robert Brewster Van Wyck  
The Van Wyck Law Firm  
6245 N. 24<sup>th</sup> Parkway, Suite 208  
Phoenix, AZ 85016-2030  
Respondent's Counsel

Copy emailed this 1<sup>st</sup> day  
of September, 2016, to:

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E-mail: [ProbableCauseComm@courts.az.gov](mailto:ProbableCauseComm@courts.az.gov)

Lawyer Regulation Records Manager  
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4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: Karen E. Calcagno

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

**FILED**

AUG 31 2016

BY



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

No. 15-2726

TERIK HASHMI,

**PROBABLE CAUSE ORDER**

Respondent.

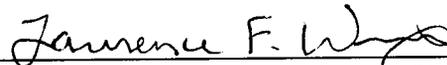
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on August 12, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 7-0-2<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-2726.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 30 day of August, 2016.



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

<sup>1</sup> Committee members Jeffrey B. Messing and Ben Harrison did not participate in this matter.

Original filed this 31<sup>st</sup> day  
of August, 2016, with:

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

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6245 N. 24th Parkway, Suite 208  
Phoenix, AZ 85016-2030  
Respondent's Counsel

Copy emailed this 1<sup>st</sup> day  
of September, 2016, to:

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1501 West Washington Street, Suite 104  
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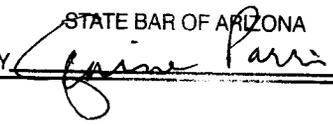
by: Karen E. Calcagno

**FILED**

DEC 28 2016

STATE BAR OF ARIZONA

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

BY 

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

**TERIK HASHMI,**

Respondent.

No. 15-1773

**PROBABLE CAUSE ORDER**

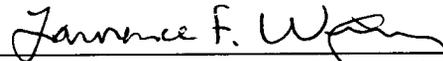
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 9, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-1773.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 28 day of December, 2016.



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

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

Original filed this 28<sup>th</sup> day  
of December, 2016 with:

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

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6245 N. 24<sup>th</sup> Parkway, Suite 208  
Phoenix, AZ 85016-2030  
Respondent's Counsel

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4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: 