

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**FREDRICK M. JONES,**  
**Bar No. 006368**

Respondent.

**PDJ 2017-9050**

**FINAL JUDGMENT AND  
ORDER**

[State Bar Fil Nos. 16-2673 and  
16-2890]

**FILED JUNE 29, 2017**

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on June 1, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement. Accordingly:

**IT IS ORDERED** Respondent, **Fredrick M. Jones, Bar No. 006368**, is suspended from the practice of law for six (6) months and one (1) day for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this order.

**IT IS FURTHER ORDERED** if reinstated to the practice of law, Mr. Jones shall be placed on probation for a period of two (2) years.

**IT IS FURTHER ORDERED** upon reinstatement, Mr. Jones shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of reinstatement. Mr. Jones shall submit to a LOMAP examination of their

office procedures. Mr. Jones shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Mr. Jones shall be responsible for any costs associated with LOMAP.

**IT IS FURTHER ORDERED** Mr. Jones shall be subject to any additional terms imposed by the Hearing Panel and approved by the Supreme Court as a result of reinstatement hearings held.

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

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

**DATED** this 29<sup>th</sup> day of June, 2017.

*William J. O'Neil*  

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

Copies of the foregoing mailed/mailed  
this 29th day of June, 2017, and  
mailed June 30, 2017, to:

Craig D. Henley  
Senior Bar Counsel  
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)

Fredrick M. Jones  
Law Office of Fredrick M. Jones  
26 E Baseline Road, Suite 132  
Phoenix, AZ 85042-6545  
Email: [fjoneslaw@yahoo.com](mailto:fjoneslaw@yahoo.com)  
Respondent

by: [AMcQueen](#)

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**FREDERICK M. JONES,**  
**Bar No. 006368,**

Respondent.

**PDJ-2017-9050**

**DECISION AND ORDER  
ACCEPTING DISCIPLINE  
BY CONSENT**

[State Bar File Nos. 16-2673 and  
16-2890]

**FILED JUNE 29, 2017**

Probable Cause was issued on April 3, 2017 and a formal complaint was filed on April 11, 2017. The parties filed their Agreement for Discipline by Consent on June 1, 2017 pursuant to Rule 57(a), Ariz. R. Sup. Ct.

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. Jones has voluntarily waived the right to an adjudicatory hearing, and waived 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 provided by email and a follow-up telephone call to the complainant for Count II on May 16, 2017. The State Bar is the complainant in Count I, therefore notice of this agreement is not required pursuant to Rule 53(b)(3). No objections have been filed.

The Agreement details a factual basis to support the conditional admissions. Mr. Jones conditionally admits he violated Rule 42, ER, 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15(a), 1.15(d) (safeguarding client property), 1.16(d) (declining or terminating representation), and 8.4(d) (conduct prejudicial to the administration of justice). The agreed upon sanctions include a long term suspension of six (6) months and one (1) day, upon reinstatement two (2) years of probation (LOMAP), and the payment of \$1,200.00 in costs and expenses within thirty (30) days of this Order. The conditional admissions are briefly summarized.

Under Count I, the State Bar met with Mr. Jones in April 2016, and discussed his non-compliance with the ethical rules governing trust accounts as a part of court ordered Law Office Management Assistance Program (LOMAP) assessment from a prior disciplinary case.

On August 9, 2016, check number 1716 in the amount of \$500.00 attempted to pay against Mr. Jones trust account when the balance was \$324.16. The bank paid the check, and did not charge an overdraft fee. The account was left with a negative

balance of (\$175.84). The State Bar received notice from the bank of the insufficient funds of Mr. Jones. The Trust Account Examiner requested an explanation of the overdraft and copies of the related mandatory records. Mr. Jones provided the information with exceptions and explained that the overdraft was a result of a bookkeeping error.

Mr. Jones stated he received a reimbursement of funds on behalf of a client in the amount of \$250.00 and deposited the funds into the trust account. Mr. Jones also stated in July 2016, check number 1710 was issued from the trust account to refund the reimbursement to the client. Mr. Jones admitted he disbursed funds without realizing that the deposited funds had not yet posted to the trust account. On August 10, 2016, he deposited funds from his general account in the amount of \$180.00 to cover the prematurely disbursed funds.

Mr. Jones admits he further violated the Trust Account Rules, as his trust account bank statements do not reflect the name of the payor or payee for each trust account fund disbursement, nor do they reflect the actual date that each transaction occurred. Mr. Jones also failed to provide a general ledger for the period of review and admitted he currently does not maintain a general ledger which is also required by the Trust Account Rules. Mr. Jones failed to provide a copy of individual client ledgers and he stated that he uses client invoices to keep track of individual client funds as required by the Trust Account Rules. Mr. Jones's invoices were not a

suitable equivalent of the client ledger because they did not reflect all of the transactions that occurred on behalf of each client, they do not reflect the names of payors or payees, and they did not include an unexpended balance as required by the Trust Account Rules.

Mr. Jones stated that he previously attended a trust account class informing him of the Trust Account Rules requirement to perform proper three-way monthly reconciliations, but admitted that he did not currently perform such reconciliations. The Trust Account Examiner was unable to identify funds of \$2,349.16 held on deposit at the beginning of the period of review with the records that were provided.

Under Count II, a client paid Mr. Jones to represent him in a lawsuit. On June 4, 2014, Mr. Jones filed a verified complaint to initiate the lawsuit. In September 2014, Mr. Jones filed a motion to extend the anticipated dismissal date because he was unable to effect service on the defendants. The Court granted the motion and a new dismissal date was set for December 31, 2014. On November 1, 2014, Court Administration mailed a 150-day order pursuant to Rule 38.1, Ariz. R. Civ. Pro. which set the new dismissal date on March 1, 2015.

On December 24, 2014, Mr. Jones filed a Declaration Supporting Service by Publication alleging he made every effort to locate the defendants. On February 28, 2015 Court Administration placed the case on the calendar for dismissal on March 4, 2015 pursuant to Rule 38.1. On March 13, 2015, Mr. Jones filed a Motion for

Entry of Default alleging that the defendants were served by publication on December 12, 2014. He thereafter did nothing to further the objectives of his client. On June 8, 2015 Mr. Jones filed an Application and Affidavit for Default again alleging that “I have served the Defendant/Respondent according to the law.” The case was dismissed on June 23, 2015 for lack of prosecution.

The client alleges he was unable to contact Mr. Jones as the case went on, and that the last time he spoke to Mr. Jones about the status of the case was in January 2015. The client also alleges Mr. Jones failed to inform him of the dismissal. Mr. Jones was requested by his client to provide an accounting of the funds paid and to return his client file. Mr. Jones failed to provide the client with either an accounting of fees or the client file.

Rule 58(k) provides sanctions shall be determined under the *American Bar Association Standards for Imposing Lawyer Sanctions*, (“Standards”). The parties agree *Standard 4.42, Lack of Diligence* applies to Mr. Jones’s violation of ER’s 1.3 and 1.4, and 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 engages in a pattern of neglect and causes injury or potential injury to a client.

By failing to inform his client of dismissal of the case and generally not communicating with his client in Count II, Mr. Jones violated his duty to counsel

with his client. Mr. Jones knowingly engaged in misconduct during his representation of his client in Count II and negligently engaged in a repeated pattern of misconduct during his maintenance of the trust account and representation of his client and that his conduct was in violation of the Rules of Professional Conduct in Count I. By doing this, Mr. Jones caused actual harm to his client, the profession and the legal system.

The parties agree that the presumptive sanction in this matter is suspension. The parties agree that there are aggravating factors present in the record: *Standards* 9.22(a) (prior disciplinary offenses), and 9.22(i) (substantial experience in the practice of law). The parties agree the following mitigating factor is present in the record: *Standard* 9.32(b) absence of a selfish or dishonest motive.

The parties agree that the presumptive sanction of suspension is appropriate. Upon consideration, the Presiding Disciplinary Judge finds that the proposed sanctions of a suspension and probation meet the objectives of attorney discipline. Now therefore,

**IT IS ORDERED** accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: a long term suspension of six (6) months and one (1) day, two (2) years of probation upon reinstatement (LOMAP), and the payment of \$1,200.00 in costs and expenses within

thirty (30) days of this Order. There are no costs incurred by the office of the presiding disciplinary judge. A final judgment and order is signed this date.

**DATED** this June 29<sup>th</sup> 2017.

*William J. O'Neil*  

---

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

Copies of the foregoing mailed/mailed  
this 29<sup>th</sup> day of June, 2017, and  
mailed June 30, 2017, to:

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
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Frederick M. Jones  
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Respondent

by: AMcQueen

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OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JUN 1 2017

FILED  
BY 

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Respondent

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**FREDRICK M. JONES  
Bar No. 006368**

Respondent.

**PDJ 2017-9050**

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

[State Bar File No. 16-2673 and 16-  
2890]

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Fredrick M. Jones, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), *Ariz. R.*

*Sup. Ct.*

A probable cause order was entered on April 3, 2017 and a formal complaint was filed on April 11, 2017.

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 complainant in Count 2 by e-mail and follow-up telephone call on May 16, 2017. Complainant(s) 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.

The State Bar is the complainant in Count 1. Therefore, notice of this agreement is not required pursuant to Rule 53(b)(3), *Ariz. R. Sup. Ct.*

Respondent conditionally admits that his conduct, as set forth below, violated the following ethical rules:

**Count 1:** Rule 42, *Ariz. R. Sup. Ct.*, ER 1.15(a) and the various subsections of Rule 43, *Ariz. R. Sup. Ct.* (also referred to as the “Trust Account Rules”) set forth in the Complaint; and

**Count 2:** Rule 42, *Ariz. R. Sup. Ct.*, ERs 1.3, 1.4, 1.5, 1.15(d), 1.16(d) and 8.4(d).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Long-Term Suspension of Six Months and One Day.

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**

1. Respondent was licensed to practice law in the State of Arizona on October 4, 1980.

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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.

**COUNT ONE (File No. 16-2673/Trust Account)**

2. In April 2016, the State Bar met with Respondent and discussed his non-compliance with the ethical rules governing trust accounts as part of a court-ordered Law Office Management Assistance Program (LOMAP) assessment in the disciplinary case of In the Matter of Fredrick M. Jones, PDJ 2015-9065.

3. In August 2016, the State Bar of Arizona received an insufficient funds notice on Respondent's client trust account.

4. On August 9, 2016, check number 1716 in the amount of \$500.00 attempted to pay against the account when the balance was \$324.16. The bank paid the check, and did not charge an overdraft fee leaving the account with a negative balance of (\$175.84).

5. The Trust Account Examiner sent Respondent a copy of the overdraft notice, and requested an explanation of the overdraft and copies of the related mandatory records.

6. Respondent provided the requested information with exceptions and explained that the occurrence of overdraft was the result of a bookkeeping error.

7. Respondent stated that he received a reimbursement of funds on behalf of a client in the amount of \$250.00 and deposited the funds into the trust account.

8. Respondent also stated that in July 2016 check number 1710 was issued from the trust account to refund the reimbursement to the client.

9. Respondent admitted that he disbursed funds without realizing that the deposited funds had not yet posted to the trust account.

10. On August 10, 2016, Respondent deposited funds from his general account in the amount of \$180.00 to cover the funds that had been prematurely disbursed.

11. Respondent claims that he only uses the trust account bank statement to keep track of trust account funds.

12. Contrary to the Trust Account Rules, Respondent's trust account bank statements do not reflect the name of the payor or the payee for each trust account fund disbursement.

13. Similarly, Respondent's trust account bank statements reflect transactions on the dates posted rather than the actual date each transaction occurred as required by the Trust Account Rules.

14. Respondent failed to provide a general ledger for the period of review and admitted that he currently does not maintain a general ledger as required by the Trust Account Rules.

15. Likewise, Respondent failed to provide a copy of the individual client ledgers and stated that he uses client invoices to keep track of individual client funds as required by the Trust Account Rules.

16. Contrary to the Trust Account Rules, Respondent's invoices are not a suitable equivalent of the client ledger because they do not reflect all of the transactions that occurred on behalf of each client.

17. Similarly, Respondent's invoices do not reflect the name of the payor or the payee for each trust account fund disbursement as required by the Trust Account Rules.

18. Respondent's invoices also do not include an unexpended balance as required by the Trust Account Rules.

19. Respondent stated that he previously attended a trust account class informing him of the requirement to perform proper three-way monthly reconciliations, but admitted that he did not currently perform the three-way monthly reconciliations required by the Trust Account Rules.

20. The Trust Account Examiner was unable to identify funds in the amount of \$2349.16 held on deposit at the beginning of the period of review with the records that were provided.

**COUNT TWO (File No. 16-2890/Stribling)**

21. In 2014, Stribling paid Respondent \$2500.00 to represent him in a lawsuit for breach of contract/failure to pay promissory notes/fraud.

22. Respondent initiated the Maricopa County Superior Court lawsuit of *Stribling v. Miller*, CV 2014-001507 on June 4, 2014 by filing a verified complaint.

23. On September 16, 2014, Respondent filed a motion to extend the anticipated dismissal date as he was unable to effect service on the defendants.

24. The Court granted the motion and set a new dismissal date of December 31, 2014.

25. On November 1, 2014, Court Administration mailed a 150 day order pursuant to Rule 38.1, *Ariz. R. Civ. Pro.* which set the new dismissal date on March 1, 2015 (270 days from the date of complaint).

26. On December 24, 2014, Respondent filed a Declaration Supporting Service by Publication alleging that he made every effort to locate the defendants.

27. Stribling alleges that he was able to communicate with Respondent fairly well during the initial phase of the lawsuit, but as time went on, he was unable to contact Respondent.

28. Stribling states that the last time that he spoke to Respondent regarding the status of the case was in January 2015.

29. On February 28, 2015, Court Administration placed the case on the calendar for dismissal on March 4, 2015 pursuant to Rule 38.1, Ariz. R. Civ. Pro.

30. On March 13, 2015, Respondent filed a Motion for Entry of Default alleging, among other things, that the defendants were properly served by publication on December 12, 2014.

31. On June 8, 2015, Respondent filed an Application and Affidavit for Default alleging, among other things, that "I have served the Defendant/Respondent according to law".

32. On June 23, 2015, the Court dismissed the case for lack of prosecution.

33. Stribling alleges that Respondent failed to inform him of the dismissal.

34. Respondent claims that he attempted service by publication on December 12, 2014, but did not notice until mid-2015 that the publication filed by the Arizona Business Gazette contained the wrong case number.

35. Based upon his purported discovery of the error in the Arizona Business Gazette, Respondent caused the notice to be published in the Arizona Capital Times.

36. On July 13, 2015, an Affidavit of Publication was filed indicating that notice of the lawsuit was published in the Arizona Capital Times on four (4) dates beginning June 19, 2015 and finishing July 10, 2015.

37. In or around June 2016, Stribling requested that Respondent provide an accounting of the funds paid and the return of his client file.

38. Respondent failed to provide Stribling with an accounting of the prepaid fees or the client file.

### **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:

**Count 1:** Rule 42, *Ariz. R. Sup. Ct.*, ER 1.15(a) and the various subsections of Rule 43, *Ariz. R. Sup. Ct.* set forth in the Complaint; and

**Count 2:** Rule 42, *Ariz. R. Sup. Ct.*, ERs 1.3, 1.4, 1.5, 1.15(d), 1.16(d) and 8.4(d).

### **CONDITIONAL DISMISSALS**

The State Bar has conditionally agreed to dismiss the alleged violation of Rule 42, *Ariz. R. Sup. Ct.*, ER 3.3 as Respondent provided information demonstrating his

request and reliance upon his December 12, 2014 publication in the Arizona Business Gazette and subsequent discovering the Arizona Business Gazette's publication error.

### **RESTITUTION**

Restitution is not an issue in this matter.

### **SANCTION**

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Suspension for Six Months and One Day.

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 the following *Standards* are the appropriate *Standard* given the facts and circumstances of this matter:

**ER 1.3:** (Diligence), **ER 1.4:** (Communication)

*Standard 4.42*

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

**ER 1.5: (Fees)**

**Standard 4.63**

Reprimand is generally appropriate when a lawyer negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to a client.

**ER 1.15: (Safeguarding Client Property)**

**Standard 4.12**

Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client, or

**ER 1.16: (Termination of Representation)**

**Standard 7.2**

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public or the legal system, or

**ER 8.4(d): (Conduct Prejudicial To Administration of Justice)**

**Standard 6.23**

Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

**The duty violated**

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

**The lawyer's mental state**

For purposes of this agreement the parties agree that Respondent knowingly engaged in misconduct during his representation of Mr. Stribling and negligently engaged in a repeated pattern of misconduct during his maintenance of the trust account and representation of his client 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 actual harm to a client, the profession and the legal system.

### **Aggravating and mitigating circumstances**

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

#### **In aggravation:**

*Standard 9.22(a)* prior disciplinary offenses;

- PDJ 2015-9065 [SB 13-0122, 14-0830, 14-1060, 14-1072 & 15-0117] (July 2015): Respondent was reprimanded with probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 1.4, 3.2 and 8.4(d);
- While not discipline: SB 13-2284 (2013): Respondent was diverted for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.1, 1.2(a), 1.3, 1.4, 1.5, 1.16(d) and 8.4(d).

*Standard 9.22(i)* substantial experience in the practice of law [Respondent has been an Arizona attorney since October 4, 1980].

#### **In mitigation:**

*Standard 9.32(b)* absence of a dishonest or selfish motive.

#### **Discussion**

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

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following:

While Respondent has indicated that he is closing his law firm down and leaving the practice of law, the nature of the misconduct and inappropriate maintenance of the trust account demand that a long-term suspension be imposed, particularly when viewed against the backdrop of Respondent's prior discipline history.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

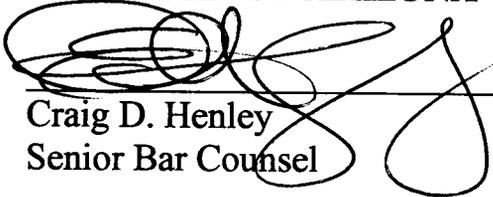
### **CONCLUSION**

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed

sanction of Long-Term Suspension of Six Months and One Day and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

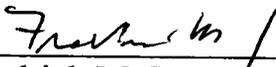
DATED this 1<sup>st</sup> day of June, 2017.

**STATE BAR OF ARIZONA**

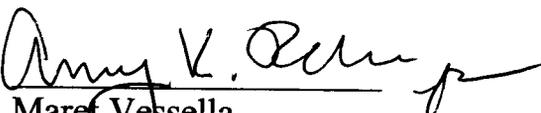
  
\_\_\_\_\_  
Craig D. Henley  
Senior Bar Counsel

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.**

DATED this 1 day of June, 2017.

  
\_\_\_\_\_  
Fredrick M. Jones  
Respondent

Approved as to form and content

  
\_\_\_\_\_  
Marc 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 15<sup>th</sup> day of June, 2017.

Copy of the foregoing emailed  
this 15<sup>th</sup> day of June, 2017, to:

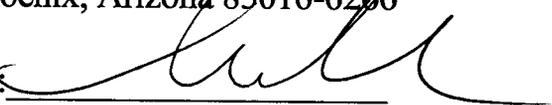
The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 15<sup>th</sup> day of June, 2017, to:

Fredrick M. Jones  
Law Office of Fredrick M. Jones  
26 E Baseline Road, Suite 132  
Phoenix, AZ 85042-6545  
Email: [fjoneslaw@yahoo.com](mailto:fjoneslaw@yahoo.com)  
Respondent

Copy of the foregoing hand-delivered  
this 15<sup>th</sup> day of June, 2017, to:

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

by: 

CDH:nr

**EXHIBIT A**

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,  
Fredrick M. Jones, Bar No. 006368, Respondent

File Nos. 16-2673 & 16-2890

### 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 INCURRED \$1,200.00

**EXHIBIT B**

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**FREDRICK M. JONES,**  
**Bar No. 006368,**

Respondent.

**PDJ 2017-9050**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 16-2673]

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, **Fredrick M. Jones**, is hereby suspended from the practice of law for six months and one day for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order.

**IT IS FURTHER ORDERED** that, if reinstated to the practice of law, Respondent shall be placed on probation for a period of two years.

**IT IS FURTHER ORDERED** that, LOMAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order/Agreement. Respondent shall submit to a LOMAP examination of their office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.

**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 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 \$ \_\_\_\_\_, within 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 May, 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 June, 2017.

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

Fredrick M. Jones  
Law Office of Fredrick M. Jones  
26 E Baseline Road, Suite 132  
Phoenix, AZ 85042-6545  
Email: [fjoneslaw@yahoo.com](mailto:fjoneslaw@yahoo.com)  
Respondent

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

Craig D. Henley  
Senior Bar Counsel  
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 June, 2017 to:

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

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