

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**KARYL KRUG,  
Bar No. 028911**

Respondent.

**PDJ 2016-9100**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 15-2174]

**FILED JANUARY 13, 2017**

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on December 21, 2016, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement. Accordingly:

**IT IS ORDERED** Respondent, **Karyl Krug, Bar No. 028911**, is admonished effective this date for conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

**IT IS FURTHER ORDERED** Ms. Krug 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. If costs are not paid within thirty (30) days, interest will begin to accrue at the legal rate. 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 13th day of January, 2017.

*William J. O'Neil*  

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

Copies of the foregoing emailed  
this 13th day of January, 2017, and  
mailed January 17, 2017, to:

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by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

---

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

**KARYL KRUG,  
Bar No. 028911**

Respondent.

**PDJ-2016-9100**

**DECISION ACCEPTING  
AGREEMENT**

[State Bar No. 15-2174]

**FILED JANUARY 13, 2017**

A probable cause order issued on August 31, 2016. The Attorney Discipline Probable Cause Committee (ADPCC) imposed an admonition with two (2) years of probation, “the terms of which included completion of the continuing legal education, (“CLE”), *New Lawyer Boot Camp* and payment of the costs and expenses of the proceeding.” [See Agreement, Page 1.] Ms. Krug objected and a formal complaint was filed on October 11, 2016. Thereafter, an Agreement for Discipline by Consent (Agreement) was filed on December 21, 2016 pursuant to Rule 57(a) Ariz. R. Sup. Ct.<sup>1</sup> Upon filing such an agreement, the presiding disciplinary judge, “shall accept, reject, or recommend the agreement be modified.” Rule 57(a)(3)(b).

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.

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<sup>1</sup> Unless otherwise stated, all rule references are to the Rules of the Supreme Court of Arizona.

Pursuant to Rule 53(b)(3), notice of this Agreement was provided to the Complainant by email on December 14, 2016 and Complainant was notified of the opportunity to file a written objection to the agreement within five (5) business days of bar counsel's notice. One objection was received by the Complainant which was fully considered by the PDJ. The objection stated the proposed discipline was insufficient for the misconduct and requested the ADPCC sanctions be reinstated or disbarment be imposed. The PDJ notes the agreed upon sanction is substantially the same as reinstating the discipline imposed by ADPCC. No term of probation is included as Ms. Krug has completed substantive educational requirements as required in the prior proposed terms of probation and is ordered to pay the costs and expenses of this proceeding. [See Agreement, Exhibit F.] These included the programs, *A Lawyer's Day in Court* and the eight part seminar, *Civil Practice and Procedure Symposium*. [Agreement, Exhibit F.]

The Agreement details a factual basis to support the conditional admissions to violations of Rule 42, specifically ERs 1.1 (competence), 3.1(a) (meritorious claims and contentions), and 8.4(d) (conduct prejudicial to the administration of justice). The parties agree to the following sanction: admonition and the payment of costs totaling \$1,200.00 to be paid within thirty (30) days or interest will accrue at the lawful rate.

Ms. Krug represented a client *pro bono* in an underlying civil matter and shared the representation with co-counsel. Ms. Krug had no Arizona civil litigation experience in handling claims for defamation, abuse of process, fraudulent conveyance of civil conspiracy to commit fraud and relied on co-counsel to ensure the pleadings filed were supported by law. The pleadings filed failed to comply with applicable

procedural rules and Ms. Krug admits she failed to try to understand the relevant legal issues. She asserted a claim for one million dollars of punitive damages with no good faith basis in fact or law to support the damages. The deficient pleadings caused the Court to issue three separate orders with instructions to correct the deficiencies.

The parties agree Ms. Krug violated her duty to clients, the profession and the legal system. *Standard 4.54, Lack of Competence*, applies to Ms. Krug's violation of ER 1.1 and provides:

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether he or she is competent to handle a legal matter, and causes little or no actual or potential injury to a client.

Ms. Krug did not hold herself out as a civil attorney and was negligent in evaluating her level of competency to represent the client in civil litigation. Her negligence in this isolated instance caused potential harm to the client and the profession.

*Standard 6.24, Abuse of the Legal System*, applies to Ms. Krug's violation of ER 3.1(a) and provides:

Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding.

Ms. Krug negligently relied on co-counsel and lacked experience in civil litigation when she pursued punitive damages in bad faith. Her negligence caused actual injury to the legal system and potential injury to the opposing party.

The parties agree the following aggravating factor is present: 9.32(i) substantial experience in the practice of law. Ms. Krug has substantial experience in the practice of law in Texas (approximately 22 years) but failed to avoid and correct her misconduct in Arizona. The parties agree the following factors are present mitigation: *Standard* 9.32(a), absence of prior disciplinary history, 9.32(b), absence of dishonest or selfish motive, 9.32(g) character or reputation (6 letters were submitted as Exhibit E), and 9.32(l) remorse (Exhibit f).

The PDJ finds that the proposed sanctions of admonition and costs meet the objectives of attorney discipline and the Agreement is accepted and incorporated by this reference. A final judgment and order is signed this date. Accordingly:

**IT IS ORDERED** Ms. Krug is admonished effective the date of this order.

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

**DATED** this 13<sup>th</sup> day of January, 2017.

*William J. O'Neil*

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

Copies of the foregoing emailed this 13<sup>th</sup> day of January, 2017, and mailed January 17, 2017, to:

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OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

DEC 21 2016

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FILED  
BY 

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**KARYL KRUG,**  
**Bar No. 028911,**

Respondent.

**PDJ 2016-9100**

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

State Bar No. 15-2174

The State Bar of Arizona, through undersigned Independent Bar Counsel, and Respondent, Karyl Krug, who is represented in this matter by counsel, Ralph Adams, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct.

On August 31, 2016 the Attorney Discipline Probable Cause Committee found probable cause that Respondent violated Rule 42, ERs 1.1, 3.1(a) and 8.4(d) resulting in an order of admonition, with two (2) years of probation, the terms of which included completion of the CLE *New Lawyer Boot Camp* and payment of the costs and expenses

of the proceeding. On September 9, 2016 Ms. Krug filed her objection and on October 11, 2016 a formal complaint was filed.

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 Complainant by email on December 14, 2016. Complainant has been notified of the opportunity to file a written objection to the agreement within five (5) business days of the above notice. Any objection Complainant provides will be provided to the Presiding Disciplinary Judge.

Respondent conditionally admits that her conduct, as set forth below, violated the following ethical rules: Rule 42, Ariz. R. Sup. Ct., ERs 1.1, 3.1(a) and 8.4(d).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: admonition. Respondent also agrees to pay the costs and expenses of this 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.**

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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.

## FACTS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice on November 4, 2011.
2. Respondent was hired as pro bono counsel for the Maricopa County Republican Committee ("MCRC") by MCRC's then chairman, Tyler Bowyer, in April 2015.
3. Respondent shared this pro bono representation with Attorney Arno Naeckel with whom she worked as co-counsel.
4. In June 2015, Respondent first learned of Maricopa County Superior Court Case No. CV2014-013573, an ongoing lawsuit filed against the former chairman of MCRC, A.J. LaFaro, alleging defamation, invasion of privacy, and intentional infliction of emotional distress (hereinafter referred to as the "Underlying Lawsuit").
5. The complaint in the Underlying Lawsuit named Mr. LaFaro "both individually and in his official capacity as Chairman of the Maricopa County Republican Committee."
6. MCRC was not a separately named or served defendant in plaintiff's complaint in the Underlying Lawsuit.
7. However, on July 27, 2015, The Honorable Douglas Gerlach issued an order stating, "The complaint in this action was filed on October 29, 2014, which was nine months ago. By rule (Ariz. R. Civ. P. 4(i)) service on each defendant was required not later than February 26, 2015. As of today, no affidavit of service appears in the court file showing that plaintiff has properly served defendant

Maricopa County Republican Committee. (The Declaration of Service in the court file appears to show an attempt, albeit an ineffective attempt, to serve the Committee). It Is Ordered that plaintiff must serve defendant Maricopa County Republican Committee not later than August 28, 2015, failing which this action will be dismissed as to that defendant.”

8. Respondent learned of the complaint after plaintiff’s counsel personally approached the MCRC executive director about settlement at an Executive Guidance Committee meeting in June 2015.
9. Following the meeting referenced in ¶8, Respondent undertook to represent MCRC in the Underlying Lawsuit with her co-counsel, Attorney Naeckel.
10. On August 14, 2015, Attorney Naeckel emailed Respondent a draft Appearance of Counsel for her review. The document represented to the Court and opposing counsel that both Respondent and Naeckel were appearing on behalf of MCRC.
11. Respondent did not object to her appearance as co-counsel before the court.
12. Respondent did nothing in writing to limit her role as co-counsel.
13. Respondent knowingly became counsel of record for MCRC in the Underlying Lawsuit.
14. Respondent’s Arizona civil litigation experience is limited to: Capital Staff Attorney, Arizona Superior Court, March 2012 - June 2012 and settling an unrelated matter for a friend. The bulk of Respondent’s legal experience is in criminal law; Respondent practiced criminal law in Texas for approximately twenty-three (23) years.

15. If this matter went to hearing, Respondent would testify that her Texas experience includes that she was board certified in criminal law and criminal appeals and has significant experience in civil matters in Texas, including but not limited to: Litigating family law cases, from the pleading stage to evidentiary hearings (all of which she won in whole or part, including persuading a judge to change sole custody from mom to dad at a temporary orders hearing based upon a civil writ); litigating a family law case in which there was a parental kidnapping, resulting in a reuniting of a child and a custodial parent; litigating the first published opinion involving a Vienna Convention case on behalf of a foreign national in a child custody termination case; being appointed to and litigating a federal civil rights case after being appointed by a federal judge, despite Respondent protesting that she had no experience in federal civil rights litigation. After going to the Fifth Circuit and back and participating in depositions, the case was settled favorably to Respondent's client. Respondent also litigated federal habeas cases in federal court for 4.5 years on behalf of Texas Attorney General John Cornyn, as well as supervising 14 inexperienced lawyers in both drafting pleadings in federal court and litigating in court. Federal habeas cases are quasi-civil in nature, being governed by the Rules Governing 2254 cases as well as the Federal Rules of Civil Procedure. Respondent was the only Austin attorney approved by the Western District of Texas to take appointments in such cases. Respondent's

win/loss record while at the AG's office was approximately 500/3, and she litigated many precedential cases in those years.

16. Respondent had no Arizona civil litigation experience in handling claims for defamation, abuse of process, fraudulent conveyance, or civil conspiracy to commit fraud.
17. Respondent did not personally take steps to associate herself with a civil litigator experienced in handling claims for defamation, abuse of process, fraudulent conveyance or civil conspiracy to commit fraud.
18. If this matter were to proceed to hearing, Respondent would present evidence that co-counsel Naeckel took steps to associate with other civil litigators and that Respondent relied on Naeckel to take such steps as he deemed appropriate.
19. Respondent would also present evidence that she met with Naeckel and persons who she assumed were qualified attorneys that Naeckel associated with on two separate occasions, supporting her belief that those other people were qualified to provide assistance and had reviewed the pleadings and provided necessary input to co-counsel Naeckel. The State Bar, however, would present evidence that at least two of the attorneys at the meetings were not licensed in Arizona, one denies providing any advice and the other disputes both his involvement and any suggestion that he held himself out as qualified to provide assistance regarding defamation, abuse of process, fraudulent conveyance and civil conspiracy to commit fraud claims.

20. Respondent did not attend any continuing education classes regarding the relevant substantive issues of civil law.
21. Respondent did not attend any continuing education classes regarding Arizona civil procedure.
22. Respondent did not review any treatise or reference material regarding the relevant substantive issues of civil law involved in Case No. CV2014-013573.
23. To attain competency to represent MCRC in handling claims for defamation, abuse of process, fraudulent conveyance and civil conspiracy to commit fraud, Respondent associated herself with co-counsel Naeckel.
24. Respondent knew Mr. Naeckel's experience was limited to patent law.
25. On August 17, 2015, MCRC filed its "Answer and Counterclaim Re: Defendant MCRC" (hereinafter "Answer").
26. Respondent had access to the Answer, and an opportunity to provide input, prior to the date it was filed. If this matter were to proceed to hearing Respondent would present evidence that she became aware that her sister had breast cancer the Saturday before the Monday filing. Therefore, she deferred to Naeckel regarding the adequacy of the Answer.
27. Respondent did not amend the Answer at any time, but approved of it.
28. Prior to filing MCRC's Answer, Respondent conducted all of the investigation and research she deemed appropriate.
29. Respondent's investigation and research included: Investigating plaintiff's criminal history; reading the definition of vexatious litigant; reviewing some

case law on Fastcase and Google; and looking at the 2012 version of the Arizona Rules of Civil Procedure. If this matter goes to a hearing, Respondent will also testify that she reviewed the overall facts of the case, interviewed the clients as to the facts of the case, and reviewed the law on vexatious litigation, and reviewed the current civil rules online, including the local rules for the Maricopa County Superior Court and the specific rules for Judge Gerlach's court.

30. MCRC's Answer:

- a. Changed the case caption, adding as plaintiffs, Chad Snow, Paul Castendad, Carolyn Cooper, Molly Duran, Fred Barlam, Saul Solis, Bob Unferth, Amanda Zill and Mary Lou Boettcher, all of whom were officers or directors of named plaintiff, Citizens for a Better Arizona.
- b. Asked that the officers and directors of Citizens for a Better Arizona be added individually because the entity had "voluntarily dissolved" and had "no assets" thus the individuals should be either "involuntary plaintiffs and real parties in interest pursuant to Rules 13(h) and 19(a), or alternatively as defendants pursuant to Rules 13(h) and 20(a) Ariz. R. Civ. P."
- c. Stated a counterclaim on behalf of MCRC alleging abuse of process, fraudulent conveyance and civil conspiracy to commit fraud;
- d. Sought damages on behalf of MCRC including:

- i. "past and future legal fees incurred in this lawsuit and locating assets of the Plaintiffs and securing said assets";
  - ii. "punitive monetary damages of \$1,000,000 to dissuade Mr. Parraz et. al. from [sic] future abuses of the Maricopa County judicial system by filing frivolous lawsuits to intimidate others from volunteering to perform civic duties concerning the election process and standing up for their political rights and interests;"
  - iii. "for an order of this court commanding Plaintiff Parraz to publically admit that stuffing early ballots is illegal most [sic] if not all other 49 states and is unethical even if legal"; and
  - iv. "for other relief the court deems proper."
- e. Requested Plaintiff Marin post a bond "to cover attorneys' fees and expenses" citing Ariz. R. Civ. P. 67(d).

31. Respondent inadequately researched the law supporting MCRC's counterclaims and the relief requested. Respondent's file has no documentation evidencing any legal research regarding the elements necessary to establish proof supporting the counterclaims or the punitive damage award sought.

32. Respondent concedes that she relied primarily upon Naeckel to ensure the pleadings were supported by law and in that regard, she was deficient and did not conduct the necessary level of research prior to filing, instead relying upon

Naeckel. If this matter went to a hearing, Respondent is expected to testify that this was a mistake.

33. Based on the State Bar's investigation, Respondent's production of her file and Respondent's statements during her interview, the State Bar contends that Respondent inadequately investigated the facts allegedly supporting the counterclaims of abuse of process, fraudulent conveyance and civil conspiracy to commit fraud.

34. If this matter were to proceed to hearing, Respondent would testify that she did the bulk of the factual investigation into this case that provides the good faith basis of the claims alleged. Further, she relied on fact investigation conducted by Naeckel that she alleges supported the counterclaims.

35. Based on the State Bar's investigation, Respondent's production of her file and Respondent's statements during her interview, the State Bar contends that Respondent inadequately investigated the facts allegedly supporting the relief requested. If this matter were to proceed to hearing, Respondent would present evidence that facts in support of the counterclaims and punitive damages, however inartfully pled, were known to Respondent prior to the filing.

36. On October 2, 2015, MCRC filed its "Motion for Additional Time to Reply; Expedited Ruling Requested" asserting that MCRC needed "additional time to reply to Plaintiffs' and Counter Claim Defendant's Answer filed September 14, 2015" because it "received verbal information" from the Secretary of the State that "may" have a "direct and determinative impact" on the litigation. Thus,

MCRC sought an additional three weeks to file a “Reply and/or Motion to Dismiss.”

37. Respondent knew, or should have known, the October 2, 2015 Motion for Additional Time to Reply; Expedited Ruling Requested pleading was being filed on behalf of MCRC.

38. Respondent knew, or should have known, that the Arizona Rules of Civil Procedure do not permit a reply to an answer.

39. MCRC’s motion failed to cite any rule of procedure.

40. MCRC’s motion did not cite any case law in support of the motion.

41. MCRC’s motion lacked any facts that provided good cause in support of the motion.

42. On October 5 2015, the Court issued a ruling denying MCRC’s motion for additional time stating, “On its face the motion fails to comply with Ariz. R. Civ. P. 5(a). In addition the motion does not state a sufficient reason for granting the requested extension.” **See Exhibit B.**

43. When Respondent received the order: She did not consider withdrawing as counsel of record or associating with other civil litigators for help. She did not consider taking a continuing education class regarding Arizona civil procedure.

44. On October 7, 2015 MCRC filed its “Reply to Plaintiff’s Answer and Motion to Amend MCRC’s Pleadings re: Counterclaims.” The pleading replied to Plaintiff’s answer “and in the alternative” sought to amend MCRC’s pleadings “to the extent that a more fact based pleading is required.”

45. Respondent reviewed this pleading before it was filed.

46. Respondent knew, or should have known, that the Arizona Rules of Civil Procedure do not permit a reply to an answer.

47. On October 23, 2015, the Court issued a ruling regarding MCRC's "Reply to Plaintiff's Answer and Motion to Amend MCRC's Pleadings re: Counterclaims" finding:

- a. this filing overlooks Ariz. R. Civ. P. 7(a);
- b. fails to comply with Ariz. R. Civ. P. 10(d); and
- c. fails to comply with Ariz. R. Civ. P. 15(a). **See Exhibit C.**

48. When Respondent received this order: She did not consider withdrawing or associating herself with experienced Arizona civil litigators. Nor did she consider taking a CLE on the Arizona Rules of Civil Procedure.

49. After other pleadings were filed, on November 2, 2015, the Court issued a ruling stating:

*A Motion to File Amended Answer has been filed on behalf of the "plaintiffs." The only plaintiffs in this case are Benjamin Marin and Citizens for a Better Arizona. Yet, that "answer," which apparently is intended to serve as a reply to a counterclaim [see Ariz. R. Civ. P. 7(a)] asserted on behalf of the Maricopa County Republican Committee, states that it is to be filed on behalf of five individuals (Amanda Zill, Mary Lou Boettcher, Randy Paraz, Chad Snow, and Paul Casteneda) in addition to Marin and Citizens.*

*First, the counterclaim, on its face, warrants rejection as improper pleading in disregard of, among other things, Ariz. Rs. Civ. P. 8(a), 8(e), and 8(g). Moreover, even if there were claims to be asserted by the Committee against those individuals, that does not make them plaintiffs, as the counterclaim seemingly would have things, nor does that make the claims asserted against them counterclaims. See Ariz. R. Civ. P. 14.*

*Second, the amended answer is unnecessary. That is because the counterclaim is unnecessary. And, the counterclaim is unnecessary because the complaint does not identify the Maricopa County Republican Committee as a named defendant. [See Verified Complaint (10/29/14) at 1-2, paras. 1-5] Indeed, the complaint does not so much as allege that the Committee is a legal entity over whom this court may exercise jurisdiction, or in any other way allege that the Committee is a party against which a claim is asserted. See Jizchak Bier Ltd. v. Wells, Inc., 310 F.Supp. 843, 843 (S.D.N.Y. 1970) (dismissing complaint). But, leaving that aside, the complaint fails to allege facts sufficient to support a claim against the Committee. . . .*

*The court has also received a Response to Motion to Strike and Motion for Fees filed on behalf of the Committee. The Response asks the court to permit the filing of “[s]upplemental counterclaims.” Leaving aside that the Response fails to comply with Ariz. R. Civ. P. 10(d) and the would-be supplemental counterclaim fails to comply with Ariz. Rs. Civ P. 8(a), 8(e), and 10(d), and ignoring that the purported counterclaims for abuse of process, fraudulent conveyance, and fraud are insufficiently or improperly pleaded, because no claim has been asserted against the Committee, counterclaims, whether supplemental or otherwise, are not available to it. . . . See Exhibit D.*

47. The Court denied MCRC’s requests and in denying its request for attorney’s fees stated, “The court is not inclined to compensate for work that was unnecessary, but in any event, procedurally, the requests were not properly submitted, and substantively, they are insufficient to permit an award.” See Exhibit D.

48. When Respondent received this order: She did not consider withdrawing as counsel or associating herself with knowledgeable Arizona civil litigation attorneys. Nor did she consider taking an applicable CLE course.

### **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 her conduct violated the following ethical rules:

- Rule 42, Ariz. R. Sup. Ct., ER 1.1 [Competency]

Respondent had limited Arizona civil litigation experience and failed to personally associate herself with knowledgeable civil litigation practitioners. Yet, she appeared as counsel of record to defend her client from a civil defamation claim and to assert fairly complicated counterclaims. Pleadings which Respondent was responsible for including MCRC's answer and various motions, failed to comply with the applicable procedural rules. Similarly, when faced with court orders critical of her pleadings, Respondent failed to take affirmative steps, such as seeking the help of a qualified Arizona civil litigator or taking a continuing education class to understand the relevant issues.

- Rule 42, Ariz. R. Sup. Ct., ER 3.1(a) [Meritorious Claims and Contentions]

Respondent asserted a claim for one million dollars of punitive damages. Respondent admits that she lacked a good faith basis in fact or in law to seek such damages.

- Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) [Misconduct]

Respondent's poorly pled pleadings resulted in three separate court orders instructing her about her failures to comply with Arizona Rules of Civil Procedure. Respondent's careless pleadings wasted judicial time and resources.

## **CONDITIONAL DISMISSALS**

The State Bar has conditionally agreed to dismiss the following allegation: that Respondent lacked a good faith basis in law to pursue and maintain claims for abuse of process, fraudulent conveyance and civil conspiracy to commit fraud. The State Bar believes this ER 3.1(a) violation is addressed by Respondent's conditional admissions herein.

## **RESTITUTION**

Restitution is not contemplated 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 sanction is appropriate: admonition.

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 Standards given the facts and circumstances of each violation:

- Rule 42, Ariz. R. Sup. Ct., ER 1.1

Standard 4.54

“Admonition is generally appropriate when a lawyer engaged in an isolated instance of negligence in determining whether he or she is competent to handle a legal matter, and causes little or no actual or potential injury to a client.” Based on the facts presented, Respondent does not hold herself out as a civil attorney and this instance was an isolated event. Respondent was well-intended, but negligent in determining she was competent to represent MCRC in its civil litigation referenced herein.

- Rule 42, Ariz. R. Sup. Ct., ER 3.1(a)

Standard 6.24

“Admonition is generally appropriate when a lawyer engaged in an isolated instance of negligence in complying with a court order or rule and causes little or no actual or potential injury to a party, or causes little or no actual or potential

interference with a legal proceeding.” Respondent’s involvement in the underlying case is an isolated instance. Respondent did not intend to pursue punitive damages in bad faith. Rather, Respondent negligently relied on Attorney Naeckel and lacked experience in civil litigation. Further, Respondent’s failure to have a good faith basis in fact or law to pursue the relief sought did not cause actual injury to the opposing party, although the potential of causing injury existed.

#### **The duty violated**

As described above, Respondent’s conduct violated her duty to her clients, the profession and the legal system.

#### **The lawyer’s mental state**

For purposes of this agreement the parties agree that Respondent negligently failed to competently represent her client and negligently failed to have a good faith basis in fact and law for seeking the relief sought, including punitive damages. The parties further agree that Respondent’s 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 potential harm to Respondent’s clients and the profession and that there was actual harm to the legal system.

### **Aggravating and mitigating circumstances**

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

#### **In aggravation:**

Standard 9.32(i) Substantial experience in the practice of law. According to Respondent's anticipated hearing testimony as set forth in paragraph 15, Respondent has substantial experience as an attorney in Texas. As someone practicing for twenty-two (22) years at the time of the alleged misconduct, Respondent could have avoided the misconduct conditionally admitted herein, and absent that, could have corrected the misconduct conditionally admitted herein.

#### **In mitigation:**

Standard 9.32(a) Absence of a prior disciplinary record. Respondent has been practicing for over twenty-three years and this matter marks her only involvement with attorney disciplinary.

Standard 9.32(b) Absence of dishonest motive or selfish motive. Respondent represented the MCRC pro bono. While the pleadings were deficient, Respondent's intent was to properly serve her clients.

Standard 9.32(g) character and reputation. Attached here are six letters attesting to Respondent's good character and reputation. **See Exhibit E.**

Standard 9.32(m) remorse. As stated above, Respondent has acknowledged her errors, attended more CLE than Independent Bar Counsel recommended<sup>2</sup> and expressed her sincere apology to the State Bar for her conduct. **See Exhibit F.**

### **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 facts set forth above, including that Respondent holds herself out as a criminal lawyer and that this was an isolated incident stemming from negligence, not ill intent.

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

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<sup>2</sup> Independent Bar Counsel's recommendation to ADPCC included that she complete two CLE programs, *2015 Civil Practice and Procedure Symposium* and *A Lawyer's Day in Court*. After Independent Bar Counsel sent the recommendation to Respondent's counsel and prior to ADPCC's consideration of the matter, Respondent completed the CLE programs recommended by Independent Bar Counsel and additional CLE programs as well.

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 admonition. A proposed form order is attached hereto as Exhibit G.

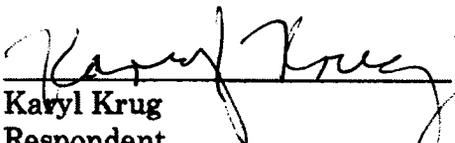
DATED this 20<sup>th</sup> day of December, 2016.

Independent Bar Counsel  
State Bar of Arizona

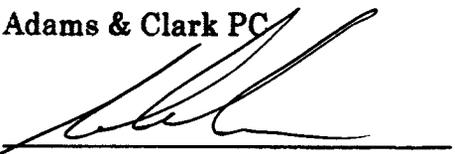
  
Meredith L. Vivona

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.

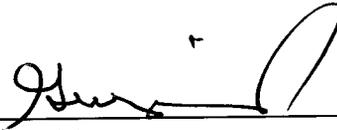
DATED this 20<sup>th</sup> day of December, 2016.

  
Karyl Krug  
Respondent

DATED this 20<sup>th</sup> day of December, 2016.

Adams & Clark PC  
  
Ralph Adams  
Counsel for Respondent

Approved as to form and content



George Riemer  
Executive Director,  
Commission on Judicial Conduct

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 21<sup>st</sup> day of December 2016.

Copies of the foregoing emailed  
this 21<sup>st</sup> day of December 2016 to:

The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 W. Washington St., Suite 102  
Phoenix, AZ 85007  
Email: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Ralph Adams  
Adams & Clark PC  
520 E Portland St  
Phoenix, AZ 85004-1843  
Email: [ralph@adamsclark.com](mailto:ralph@adamsclark.com)  
Respondent's Counsel

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 North 24th Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [lro@staff.azbar.org](mailto:lro@staff.azbar.org)

by: 

# EXHIBIT A

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,  
KARYL KRUG Bar No. 028911, Respondent

File No. 15-2174

### **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

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-013573

10/05/2015

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT  
C. Keller  
Deputy

BENJAMIN MARIN, et al.

ALEXANDER M KOLODIN

v.

ANGELO JOHN-MICHAEL LA FARO, et al.

DENNIS I WILENCHIK

ARNO T NAECKEL

**RULING**

The court has received a "Motion for Additional Time to Reply" filed on behalf of defendant Maricopa County Republican Party. On its face, the motion fails to comply with Ariz. R. Civ. P. 5(a). In addition, the motion does not state a sufficient reason for granting the requested extension.

**IT IS ORDERED** denying the Motion for Additional Time to Reply that was filed on behalf of defendant Maricopa County Republican Party.

**EXHIBIT C**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-013573

10/23/2015

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT  
M. Nielsen  
Deputy

BENJAMIN MARIN, et al.

ALEXANDER M KOLODIN

v.

ANGELO JOHN-MICHAEL LA FARO, et al.

DENNIS I WILENCHIK

ARNO T NAECKEL

RULING

The court has received what is captioned "MCRC's Reply to Plaintiff's Answer and Motion to Amend MCRC's Pleadings re: Counterclaims" submitted on behalf of defendant Maricopa County Republican Party. This filing:

- (i) Overlooks Ariz. R. Civ. P. 7(a);
- (ii) Fails to comply with Ariz. R. Civ. P. 10(d); and
- (iii) Fails to comply with Ariz. R. Civ. P. 15(a).

Accordingly, on the court's own motion, the filing is rejected, and as such, does not require any court action.

Because the court acted on its own motion, the Motion to Strike and Motion for Attorney's Fees filed on behalf of plaintiffs Ben Marin and Alleged Successors were unnecessary, and as such, those filings are moot and do not require court action.

**SO ORDERED.**

**EXHIBIT D**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-013573

11/02/2015

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT  
A. Quintana  
Deputy

BENJAMIN MARIN, et al.

ALEXANDER M KOLODIN

v.

ANGELO JOHN-MICHAEL LA FARO, et al.

DENNIS I WILENCHIK

ARNO T NAECKEL

RULING

A Motion to File Amended Answer has been filed on behalf of the "plaintiffs." The only plaintiffs in this case are Benjamin Marin and Citizens for a Better Arizona. Yet, that "answer," which apparently is intended to serve as a reply to a counterclaim [see Ariz. R. Civ. P. 7(a)] asserted on behalf of the Maricopa County Republican Committee, states that it is to be filed on behalf of five individuals (Amanda Zill, Mary Lou Boettcher, Randy Paraz, Chad Snow, and Paul Casteneda) in addition to Marin and Citizens.

First, the counterclaim, on its face, warrants rejection as improper pleading in disregard of, among other things, Ariz. Rs. Civ. P. 8(a), 8(e), and 8(g). Moreover, even if there were claims to be asserted by the Committee against those individuals, that does not make them plaintiffs, as the counterclaim seemingly would have things, nor does that make the claims asserted against them counterclaims. See Ariz. R. Civ. P. 14.

Second, the amended answer is unnecessary. That is because the counterclaim is unnecessary. And, the counterclaim is unnecessary because the complaint does not identify the Maricopa County Republican Committee as a named defendant. [See Verified Complaint (10/29/14) at 1-2, paras. 1-5] Indeed, the complaint does not so much as allege that the Committee is a legal entity over whom this court may exercise jurisdiction, or in any other way allege that the Committee is a party against which a claim is asserted. See *Jizchak Bier Ltd. v.*

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-013573

11/02/2015

*Wells, Inc.*, 310 F.Supp. 843, 843 (S.D.N.Y. 1970) (dismissing complaint). But, leaving that aside, the complaint fails to allege facts sufficient to support a claim against the Committee. To be sure, the complaint does allege that an event took place at which defendant LaFaro was purportedly acting as a representative of the Committee. That event, however, occurred before the alleged torts were committed on which the plaintiffs' claims are based. The complaint alleges no facts suggesting that, when those torts were committed (assuming that they were), LaFaro was acting on behalf of the Committee as opposed to acting solely as an individual. Although the complaint alleges (at para. 25) that LaFaro made false statements while speaking as a Committee representative, without more, that is not enough. To assert merely that LaFaro was acting as a representative of the Committee without alleging any supporting facts is to recite only a conclusion. And, "mere conclusory statements are insufficient to state a claim upon which relief can be granted." *Cullen v. Auto-Owners Ins. Co.*, 218 Ariz. 417, 419, ¶7, 189 P.3d 344, 346 (2008) (affirming dismissal of complaint).<sup>1</sup>

The court has also received a Response to Motion to Strike and Motion for Fees filed on behalf of the Committee. The Response asks the court to permit the filing of "[s]upplemental counterclaims." Leaving aside that the Response fails to comply with Ariz. R. Civ. P. 10(d) and the would-be supplemental counterclaim fails to comply with Ariz. Rs. Civ P. 8(a), 8(e), and 10(d), and ignoring that the purported counterclaims for abuse of process, fraudulent conveyance, and fraud are insufficiently or improperly pleaded, because no claim has been asserted against the Committee, counterclaims, whether supplemental or otherwise, are not available to it.<sup>2</sup>

**IT IS ORDERED:**

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<sup>1</sup> A trial court is permitted to, on its own motion, recognize the failure of a complaint to state a claim. See e.g., *Guthrie v. Tifco Indus.*, 941 F.2d 374, 379 (5<sup>th</sup> Cir. 1991) ("Although [defendant] did not file a motion to dismiss pursuant to Rule 12(b)(6), the district court was authorized to consider the sufficiency of the complaint on its own initiative"); *Erie City Retirees Ass'n v. City of Erie*, 838 F. Supp. 1048, 1050 (W.D. Pa. 1993) ("It is well settled that even if a party does not make a formal motion to dismiss, the Court may on its own initiative dismiss the complaint for failure to state a claim upon which relief can be granted, pursuant to [Rule] 12(b)(6), where the inadequacy of the complaint is apparent as a matter of law" (citations and internal quotation marks omitted)); *Sutton v. Hilco Homes Corp.*, 283 F. Supp. 492, 494 n.2 (E.D. Pa. 1968) ("The failure of the defendant to make a motion to dismiss for failure to state a claim upon which relief can be granted does not bar this Court from noting such a defect, and, from disposing of the case in an appropriate fashion by its own motion"); see also *Tamari v. Bache & Co. (Lebanon) S. A. L.*, 565 F.2d 1194, 1198 (7<sup>th</sup> Cir. 1977) (affirming trial court's "sua sponte dismissal of the complaint in this case upon the ground that it failed to state a claim upon which relief could be granted"); *GEO Specialty Chemicals, Inc. v. Husisian*, 951 F.Supp.2d 32, 36 (D. D.C. 2013) (recognizing that courts may "dismiss a complaint sua sponte for failure to state a claim for which relief can be granted," "[e]ven where a defendant does not move to dismiss under Rule 12(b)(6)").

<sup>2</sup> In the circumstances here, any claim that the Committee may wish to pursue first requires compliance with Ariz. R. Civ. P. 24.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-013573

11/02/2015

1. For the reasons stated above, the Maricopa County Republican Committee is not a party in this case, or alternatively, the complaint as to the Committee is dismissed for failure to state a claim.
2. Plaintiffs' Motion to File Amended Answer is dismissed as moot.
3. The Maricopa County Republican Committee's answer and counterclaim, being unnecessary, are dismissed.
4. The Maricopa County Republican Committee's request to file "Supplemental Counterclaims," being unnecessary, is dismissed as moot.
5. The Maricopa County Republican Committee's Motion for Status Conference to Clarify Plaintiffs' Counsel's Scope of Representation, being unnecessary, is dismissed as moot.
6. The Maricopa County Republican Committee's requests for attorney's fees are denied. The court is not inclined to compensate for work that was unnecessary, but in any event, procedurally, the requests were not properly submitted, and substantively, they are insufficient to permit an award.

**EXHIBIT E**

Ashley Archibald  
3616 N 5<sup>th</sup> Avenue #16A2  
Phoenix, AZ 85013  
December 9, 2016

Mr. Ralph Adams  
Adams & Clark PC  
520 E Portland St, Suite 200  
Phoenix, AZ 85004

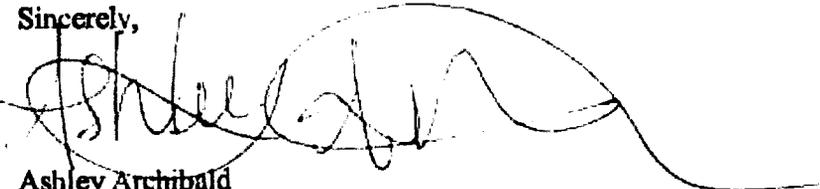
Dear Mr. Ralph Adams:

I have had the pleasure of knowing Karyl Krug for three years. In all of the time that I have known Karyl she has been nothing but a steward to her community and a pillar of integrity and moral fiber.

When I first met Karyl she was a volunteer at a local organization called one•n•ten, which aims to provide support and resources for LGBT youth. At the time, I was in charge of their junior high and high school completion program Q High. Karyl was an exemplary volunteer who served each of the youth and my students diligently and with passion on a weekly basis. During her time as a volunteer, Karyl built healthy relationships with the youth and showed through her actions that she was an ally to the community and a source of support and strength. There was never a time where Karyl was not willing to offer a hand or provide individual support to one of my students.

Simply put, the world needs more Karyl Krugs.

Sincerely,

  
Ashley Archibald

# MADELEINE CONNOR

ATTORNEY AT LAW  
P. O. Box 161962, Austin, Texas 78716-1962  
512-289-2424 mgbconnor@yahoo.com

---

December 10, 2016

Ralph Adams  
Attorney at Law  
Adams & Clark, PC.  
520 E. Portland Street  
Phoenix, AZ 85004

Dear Mr. Adams,

I am writing on behalf of Karyl Krug.

I met Karyl in 2003 when we were both working at the Texas Attorney General's office. I had been recently hired as an Assistant Attorney General in the Post-conviction Writ Division. Karyl was the Deputy Chief of the Division, and I was a new employee. Karyl was very helpful to me and the other new lawyers, and she went out of her way to mentor us and show us the ropes in that obscure area of law and within the agency. Nevertheless, shortly thereafter, I decided I wanted to pursue a civil-litigation practice, and resigned. However, Karyl and I remained good friends throughout the following years.

Part of the reason that we remained friends was Karyl's kindness. She helped me through some difficult times, especially when I was going through a divorce. She was always trying to cheer me up, and again, went out of her way to divert my attention from my situation and offer suggestions about the protracted litigation. I noticed during that time, that Karyl had a kind and generous heart, and that it was not uncommon for Karyl to help out other friends and acquaintances through the difficulties in their lives. No matter the situation, Karyl always had a lending hand to help me and others, by offering free legal expertise or just a shoulder to cry on.

Being new to Austin and new to the legal community, Karyl helped me meet other lawyers who could (and did) help me succeed in my career. Through these acquaintances, I found out that Karyl was an accomplished criminal and civil litigator, and often helped people that no one else would. She never bragged about her accomplishments herself. While having a busy practice and life of her own, Karyl always took the time to shoot me an email or give me a call, just to see how I was doing. And, when I needed to confer about a legal strategy, she was very generous with her time and attention.

In sum, Karyl is a smart, kind, and selfless person, who was always willing to help me and other lawyers and friends in myriad ways. Invariably, she was the first to pitch in and help someone else through their problems or achieve their goals. She always had a warm smile and a humorous story to tell. She is sorely missed here in Austin.

Sincerely,

A handwritten signature in black ink, appearing to read 'M Connor', with a long horizontal flourish extending to the left.

Madeleine Connor

LAW OFFICE OF BART DENUM  
POST OFFICE BOX 5995  
AUSTIN, TX 78763

December 9, 2016

Ralph Adams  
Adams and Clark, PC  
520 East Portland Street  
Suite 200  
Phoenix, AZ 85004

Via email: ralph@adamsclark.com

Mr. Adams:

It has come to my attention that a bar complaint has been filed in Arizona regarding my friend and colleague, Karyl Krug. I am writing to you today in support of Ms. Krug.

I recently retired from my Austin law practice, which spanned approximately thirty years in both criminal and civil law in Travis County, Texas. I do not recall exactly when I met Karyl, but I can say with certainty that we were both active participants in the Travis County legal community for at least 20 or more years, until Karyl and her husband moved to Scottsdale.

When I initially heard about the Arizona bar situation about a year or so ago, I was more than a little surprised given what I know of Karyl's training, knowledge, experience, and integrity. I am not exaggerating when I tell you that Karyl Krug was (and still is, even though she left for AZ about five years ago) known in Austin legal circles as a truly brilliant legal mind. I have the highest opinion of Ms. Krug's ability and integrity as a lawyer.

I observed Ms. Krug handling cases in the Travis County courthouse on a daily basis. I often discussed legal issues with her concerning the many writs and appeals on death penalty and other high profile cases, such as the Cathy Henderson capital murder case, litigated by Karyl. I often looked to Karyl for help with my own cases. I found her input to be of particular value due to the breadth and depth of her legal experience. I can state without qualification that Karyl demonstrated an encyclopedic knowledge of the law.

I am troubled that there is any complaint concerning Karyl's handling of a legal matter. Please let me know if there is any more I can do to resolve this unjustified assault on Karyl's character as an attorney.

Best regards,



Bart Denum

*Kathy Z. Hatfield*  
*4614 Raintree Boulevard*  
*Austin, TX 78745*

December 8, 2016

Dear Mr. Adams,

I am writing on behalf of my dear friend, Karyl Krug. I understand that Karyl has a bar complaint pending against her in Arizona, and I feel compelled to write this letter on her behalf.

Karyl and I have known each other for at least 25 years. Our now adult children grew up together. In addition, Karyl attended junior high school with my late husband, so my knowledge of her and the kind of person she is actually goes back to 7<sup>th</sup> grade band!

When Karyl told me about the bar complaint, I was shocked. Knowing Karyl as I do, I cannot believe that her truthfulness and honesty were in question. You could not ask for a better friend than Karyl. She is a person who, if you need her, she will not only be there, she will be there with bells on. She is a person whose word is her bond. She is a person you could literally trust with your life.

Not only have I known Karyl for many years on a personal level, but I also worked in the courthouse as a legal assistant so I am also aware of her professional reputation. There was no one in the Travis County Criminal Courthouse with whom I would rather have trusted a criminal law, or any type of legal problem. Karyl's reputation at the criminal courthouse was of the highest calibre. She was then, and is now, without a doubt one of the most knowledgeable attorneys I have ever met.

Often I would see Karyl at the courthouse and want to chat for a minute, but I had to wait in line, because there were so many people approaching her about her opinion on various legal issues. Not only did Karyl have a thriving criminal law practice, she also had extensive appellate experience as well. She was always willing to share her expertise at no cost to anyone who might need it. I cannot imagine how the Arizona Bar could question her training, knowledge, experience, and integrity.

Please do not hesitate to contact me should you have any questions. I am very concerned that this is happening to Karyl, and I want to do whatever I can to help resolve this unfortunate complaint.

Most sincerely yours,

A handwritten signature in black ink that reads "Kathy Hatfield". The signature is written in a cursive, flowing style with a large, prominent "H" and "K".

Kathy Hatfield

## Ralph Adams

---

**From:** MJ Jirik [watergirl616@sbcglobal.net]  
**Sent:** Friday, December 09, 2016 1:47 PM  
**To:** Ralph Adams  
**Subject:** Karyl Krug character reference attached and enclosed  
**Attachments:** Karyl Krug rec.docx

Mary Jo Jirik  
4349 Nelson Drive  
El Sobrante, CA 94803  
510-262-0273

December 9, 2016

Mr. Ralph Adams  
Adams & Clark, PC  
502 E. Portland Street, Suite 200  
Phoenix, Arizona 85004

Dear Mr. Adams:

I would like to attest to the fine character of Ms. Karyl Krug. I have known her since we both worked on the Texas Court of Criminal Appeals in the 1980's where she was a respected and liked lawyer for the Court.

In the past, I have been employed as the sole paralegal to the General Counsel of an Austin, Texas investor group incubator company for high tech start-ups, a legislative aide at the Texas State Capitol under the Richards and Bush administrations, a contract trial/appellate paralegal for over a decade assisting criminal lawyers in county, state and federal trials and appeals, and the briefing paralegal and administrative assistant for one of the nine judges on Texas' highest criminal appellate court, The Texas Court of Criminal Appeals. I was Board Certified as a Specialist in Criminal Law by the State Bar of Texas and I assisted the Bar in the revision of the Texas criminal specialization exam for attorneys. I have also assisted the State Bar in preparations for several statewide Advanced Course Seminars. I have prepared for and participated in well over one hundred trials, usually sitting at counsel table. I have taught Continuing Legal Education classes for attorneys in Preparing for White Collar Crime Trials, and Determining Legislative Intent. I have written dozens of draft federal briefs, motions and appeals for Federal District Courts in Texas and New York and the 5th and 9th Federal Circuit Courts in New Orleans and San Francisco. I have co-authored multiple papers for the State Bar of Texas Advanced Criminal Law Course as well as authored articles in the Texas Lawyer and Texas Defense Bar magazines.

I give this personal information so that anyone can see I had an unusually high exposure to many lawyers and judges over a long period. Out of all of them, there were only a handful that I never noticed engaging in questionable behavior. One was Karyl Krug. In addition to being honest, Ms. Krug has, as long as I have known her, been proactive in calling out to the open unethical behavior that affects the public interest. I wish more lawyers were like her. I had a front row seat as Ms. Krug took on a painkiller addicted Texas high court judge (my judge). The Presiding Judge seemed afraid to do anything about it. I had personally approached the PJ about the judge keeping his recently dead friend's loaded gun in his desk, his addiction to pain killers from four different doctors, and him voting on cases while impaired to no avail. I considered calling the police because I was afraid he would kill himself or me. The other judges complained about him constantly and publicly but no one would do anything. I did not have to call the police, because Ms. Krug noticed this judge's inappropriate voting actions on the Court, and she was not afraid and did not hesitate. She approached him personally and kindly as a friend (she was his neighbor) and when he denied everything, successfully forced him into a drug intervention with the State Bar, winning the gratitude of everyone who worked for the Court.

That is how I got to know her. I admire Ms. Krug. She has spoken out about unethical or illegal behavior several times that I know of to the detriment of her career and reputation (amongst the unethical, because she scares them – the upstanding lawyers and judges I know admire Ms. Krug). She doesn't lie, she doesn't cheat, she has high expectations of other lawyers, she doesn't sweep her own mistakes under a rug, and she is like a dog with a bone if she notices anyone lying to or cheating the public. She is extremely smart, knows her law, and it never goes well for the person on the other end. If she tells you something, believe it.

Sincerely,

Mary Jo Jirik

THE LAW OFFICE OF MARK A. SAMPSON, P.C.

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Attorney Ralph Adams	Mark A. Sampson
COMPANY:	DATE:
Adams & Clark, P.C.	12/9/2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
602-258-1377	03
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
602-258-3542	N/A
RE:	YOUR REFERENCE NUMBER:
Attorney Maryl Krug: Statement of Reference	N/A

URGENT   
 FOR REVIEW   
 PLEASE COMMENT   
 PLEASE REPLY   
 PLEASE RECYCLE

NOTES/COMMENTS

\*\*\*\*\*

**Privileged and Confidential.** This transmittal covers information intended only for the use of the named addressee(s). If the reader of this message is not the named addressee or an employee or agent responsible for delivering the message to the intended recipient(s), please do not read the accompanying information and note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone receiving this message in error should notify the sender at the number noted below, immediately by telephone and return the original message to said sender at the address indicated below by U.S. mail. Thank you in advance for your cooperation.

\*\*\*\*\*



THE LAW OFFICE OF  
**MARK A. SAMPSON, P.C.**  
806 WEST OLTORFF STREET  
AUSTIN, TEXAS 78704

MARK A. SAMPSON\*

[www.markasampsonlaw.com](http://www.markasampsonlaw.com)

(512) 320-8365

FAX: (512) 447-1475

(800) 679-9420

Friday, December 09, 2016

Sent Via Facsimile to 602-258-1377

Attorney Ralph Adams  
Adams & Clark, P.C.  
520 E. Portland Street, Ste. 200  
Phoenix, AZ 85004

## STATEMENT OF REFERENCE

Dear Attorney Ralph Adams:

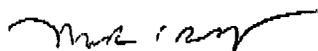
I am honored to submit this letter on behalf of Attorney Karyl Krug. Having practiced alongside her in Austin, Travis County, Texas, I have been professionally acquainted with her for over twenty-two (22) years. Due to her high level of integrity, legal acumen, and superior writing skills, she was retained as co-counsel to assist in a highly controversial case in the Western District of Texas. She served as the primary drafter and strategist of a 28 U.S.C. § 2255 *Writ of Habeas Corpus* that was filed in Federal Court on behalf of a Petitioner.

At every legal juncture, she effectively attacked the Federal Prosecutor's response to said motion in a manner that allowed us to proceed and prevail before the court. With her advanced writing skill and legal strategy, the conviction of our client was reversed resulting in the Petitioner being released from Federal Custody. Her legal assistance without a doubt aided us in this court victory. (*In Re: YJM- Midland-Odessa Division*).

No matter what circumstance or challenge presents for an accused, she treats people with dignity and respect. Over the years, I have found her to be thorough in her defense and she proceeds from a highly moral and ethical position. She is extremely knowledgeable and familiar with criminal defense tactical strategy employed for the benefit of the clients she serves. Around the Travis County Courthouse, she was known as an astute Appellate Attorney who many sought for advice and counsel on matters pertaining to the same. She is representative of a true legal professional who is dedicated and diligent in her pursuit of justice.

For these reasons and without reservation, I submit this letter of character on her behalf. Should you have questions pertaining to the content of this correspondence, please contact the undersigned. In closing, I remain...

Very truly yours,



Mark A. Sampson

MAS/vts

# EXHIBIT F

**Ralph Adams**

---

**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 4:03 PM  
**To:** Ralph Adams  
**Subject:** Certificate

<https://azbar.inreachce.com/Certificate/Generate/22d608c1-bef4-4694-9458-e664a0cf009e>

[Skip to main content](#)

[Select Certificate... V]  
[Print]

**Certificate of  
Completion**  
*State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase Date:**Monday, July  
18, 2016  
**Completion**7/19/2016 4:00  
**Date:**PM Arizona  
**Transaction**6617f0de-3313-  
**ID:**406e-b0b4-  
a0eddf958993

**Course Title:**A Lawyer's Day  
in Court

**Course**J1654-400

**Number:**

**Duration:**2 hours 57  
minutes

**Course Type:**OnDemand

**Faculty:**Maret Vessella,  
Chief Bar  
Counsel, State  
Bar of Ariozna,  
Craig Henley,  
Bar Counsel,  
Judge William J.  
O'Neil, J Scott  
Rhodes, Stephen  
P. Little, Lisa

Panahi, Senior  
Ethics Counsel,  
State Bar of  
Arizona

**Original State Bar of  
Course Arizona  
Provider:**

**Credit 3.00 CLE;  
Information: 3.00 Ethics**

**Course Description:**

In this program, attendees will observe the progression of a lawyer discipline case from the initial charge, through investigation and litigation, all the way through a formal disciplinary trial.

Please allow 48-72 hours for your completed CLE seminar to show on your State Bar of Arizona CLE tracking page. Self-study courses must be manually entered on your CLE tracking page.

If you attended a State Bar event but it does not appear on your tracking page, **contact the CLE department at 602-340-7323 or email [cleinfo@staff.azbar.org](mailto:cleinfo@staff.azbar.org) to have it corrected before submitting your affidavit.**

REMINDER: To ensure compliance with Rule 45(f), Ariz. R. Sup. Ct., records of continuing legal education are to be maintained by the member for three years after the filing of your annual MCLE affidavit. Records may be maintained in an electronic format. Record retention requirements for other MCLE jurisdictions are the responsibility of the member to determine.

## Ralph Adams

---

**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 8:04 AM  
**To:** Ralph Adams  
**Subject:** Certificate

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### **Certificate of Completion** *State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase Date:**Monday, July 18, 2016  
**Completion Date:**7/18/2016 2:17 PM Arizona  
**Transaction ID:**6617f0de-3313-406e-b0b4-a0eddf958993

**Course Title:**2015 Civil Practice and Procedure Symposium: Part 1  
Pre-suit Activities and Considerations/Pleadings  
**Course Number:**J1569-400  
**Duration:**1 hour 13 minutes  
**Course Type:**OnDemand  
**Faculty:**Honorable Dawn Bergin, William G. Klain, Honorable  
Patricia K. Norris, Arizona Court of Appeals, Division  
One, Russell Piccoli

**Original Course Provider:**State Bar of Arizona

**Credit Information:**1.25 CLE

#### **Course Description:**

From the 2015 Civil Practice and Procedure Symposium

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**Ralph Adams**

---

**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 8:03 AM  
**To:** Ralph Adams  
**Subject:** Certificate

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## **Certificate of Completion**

*State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase Date:**Monday, July 18, 2016  
**Completion Date:**7/18/2016 3:15 PM Arizona  
**Transaction ID:**6617f0de-3313-406e-b0b4-a0eddf958993

**Course Title:**2015 Civil Practice and Procedure Symposium: Part 2  
Choice of Forum (Federal, State or Alternative)  
**Course Number:**J1570-400  
**Duration:**52 minutes  
**Course Type:**OnDemand  
**Faculty:**Magistrate Judge Bridget Shelton Bade, John Rogers

**Original Course Provider:**State Bar of Arizona

**Credit Information:**1.00 CLE

### **Course Description:**

From the 2015 Civil Practice and Procedure Symposium

Please allow 48-72 hours for your completed CLE seminar to show on your State Bar of Arizona CLE tracking page. Self-study courses must be manually entered on your CLE tracking page.

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**Ralph Adams**

---

**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 8:03 AM  
**To:** Ralph Adams  
**Subject:** Certificate

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**Certificate of Completion**  
*State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase Date:**Monday, July 18, 2016  
**Completion Date:**7/18/2016 5:17 PM Arizona  
**Transaction ID:**6617f0de-3313-406e-b0b4-a0eddf958993

**Course Title:**2015 Civil Practice and Procedure Symposium: Part 3  
Interactions with the Clerk of the Court  
**Course Number:**J1571-400  
**Duration:**23 minutes  
**Course Type:**OnDemand  
**Faculty:**Honorable Michael K. Jeanes

**Original Course Provider:**State Bar of Arizona

**Credit Information:**0.50 CLE

**Course Description:**

From the 2015 Civil Practice and Procedure Symposium

Please allow 48-72 hours for your completed CLE seminar to show on your State Bar of Arizona CLE tracking page. Self-study courses must be manually entered on your CLE tracking page.

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**Ralph Adams**

---

**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 8:01 AM  
**To:** Ralph Adams  
**Subject:** Certificate

<https://azbar.inreachce.com/Certificate/Generate/d8c56db1-6a12-4985-8f70-9f69c6889f4d>

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**Certificate of  
Completion**

*State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase**Monday, July 18,  
**Date:**2016  
**Completion**7/19/2016 8:00 AM  
**Date:**Arizona  
**Transaction**6617f0de-3313-406e-  
**ID:**b0b4-a0eddf958993

**Course**2015 Civil Practice  
**Title:**and Procedure  
Symposium: Part 4  
Developing the Case -  
Disclosures/Discovery

**Course**J1572-499  
**Number:**  
**Duration:**46 minutes  
**Course**OnDemand

**Type:**  
**Faculty:**Honorable Mark H.  
Brain, Robert  
McKirgan

**Original**State Bar of Arizona  
**Course**  
**Provider:**

**Credit 0.75 CLE**

**Information:**

**Course Description:**

From the 2015 Civil Practice and Procedure Symposium

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**Ralph Adams**

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**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 8:02 AM  
**To:** Ralph Adams  
**Subject:** Certificate

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**Certificate of Completion**  
*State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase Date:**Monday, July 18, 2016  
**Completion Date:**7/18/2016 7:43 PM Arizona  
**Transaction ID:**6617f0de-3313-406e-b0b4-a0eddf958993

**Course Title:**2015 Civil Practice and Procedure Symposium: Part 5  
Interactions with the Court, Persuasion and Recovering  
from Mistakes  
**Course Number:**J1573-400  
**Duration:**56 minutes  
**Course Type:**OnDemand  
**Faculty:**Patricia Lee Refo, Honorable Neil V. Wake

**Original Course Provider:**State Bar of Arizona

**Credit Information:**1.00 CLE

**Course Description:**

From the 2015 Civil Practice and Procedure Symposium

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REMINDER: To ensure compliance with Rule 45(f), Ariz. R. Sup. Ct., records of continuing legal education are to be maintained by the member for three years after the filing of your annual MCLE affidavit. Records may be maintained in an electronic format. Record retention requirements for other MCLE jurisdictions are the responsibility of the member to determiner.

**Ralph Adams**

---

**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 8:02 AM  
**To:** Ralph Adams  
**Subject:** Certificate

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**Certificate of Completion**  
*State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase Date:**Monday, July 18, 2016  
**Completion Date:**7/18/2016 6:40 PM Arizona  
**Transaction ID:**6617f0de-3313-406e-b0b4-a0eddf958993

**Course Title:**2015 Civil Practice and Procedure Symposium: Part 6  
Case Dispositive Motions  
**Course Number:**J1574-400  
**Duration:**1 hour 6 minutes  
**Course Type:**OnDemand  
**Faculty:**Honorable Peter B. Swann, Honorable Sally Schneider  
Duncan, William G. Klain

**Original Course Provider:**State Bar of Arizona

**Credit Information:**1.00 CLE

**Course Description:**

From the 2015 Civil Practice and Procedure Symposium

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**Ralph Adams**

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**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 9:03 AM  
**To:** Ralph Adams  
**Subject:** Certificate

<https://azbar.inreachce.com/Certificate/Generate/921b848b-746f-4d55-83f1-f906345abaa7>

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**Certificate of  
Completion**  
*State Bar of Arizona*

**Name:** Karyl Krug  
**Member ID:** 028911  
**Purchase Date:** Monday, July 18,  
2016  
**Completion Date:** 7/19/2016 9:02 AM  
**Date:** AM Arizona  
**Transaction ID:** 6617f0de-3313-  
406e-b0b4-a0eddf958993

**Course Title:** 2015 Civil  
Practice and  
Procedure  
Symposium: Part  
7 Appellate  
Considerations  
**Course Number:** J1575-400  
**Duration:** 52 minutes  
**Course Type:** OnDemand  
**Faculty:** Chief Justice W.  
Scott Bales,  
Timothy Berg

**Original Course Provider:**  
State Bar of  
Arizona

**Credit 0.75 CLE  
Information:**

**Course Description:**

From the 2015 Civil Practice and Procedure Symposium

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**Ralph Adams**

---

**From:** Karyl Krug [karylkrugesq@gmail.com]  
**Sent:** Tuesday, July 19, 2016 12:56 PM  
**To:** Ralph Adams  
**Subject:** Re: State Bar of Arizona Certificate of Completion

On Jul 19, 2016, at 12:52 PM, [registrations@staff.azbar.org](mailto:registrations@staff.azbar.org) wrote:

**Certificate of Completion**  
*State Bar of Arizona*

**Name:**Karyl Krug  
**Member ID:**028911  
**Purchase Date:**Monday, July 18, 2016  
**Completion Date:**7/19/2016 12:52 PM Arizona  
**Transaction ID:**6617f0de-3313-406e-b0b4-a0eddf958993

**Course Title:**2015 Civil Practice and Procedure Symposium: Part  
Pre-Trial Activities  
**Course Number:**J1576-400  
**Duration:**58 minutes  
**Course Type:**OnDemand  
**Faculty:**Honorable Pamela S. Gates, J. Tyrell Taber

**Original Course Provider:**State Bar of Arizona

**Credit Information:**1.00 CLE

**Course Description:**

From the 2015 Civil Practice and Procedure Symposium

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**EXHIBIT G**

Meredith Vivona, Bar No. 023515  
Independent Bar Counsel  
Office of the Arizona Commission on Judicial Conduct  
1501 W. Washington St., Suite 229  
Phoenix, Arizona 85007  
(602) 452-3216  
mvivona@courts.az.gov

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**KARYL KRUG,**  
**Bar No. 028911,**

Respondent.

**PDJ 2016-9100**

**FINAL JUDGMENT AND ORDER**

State Bar No. 15-2174

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on December \_\_\_\_, 2016, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement.

Accordingly:

**IT IS HEREBY ORDERED** that Respondent, **Karyl Krug**, is hereby admonished for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

**IT IS FURTHER ORDERED** that Ms. Krug 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 service of this Order. If costs are not paid within thirty (30) days, interest will begin to accrue at the legal rate.

**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 \_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

Copies of the foregoing mailed/emailed this \_\_\_\_ day of \_\_\_\_\_, 2016, to:

Ralph Adams, Esq.  
Adams & Clark, PC  
520 East Portland Street  
Phoenix, Arizona 85004-1843  
ralph@adamsclark.com  
Counsel for Respondent Krug

Meredith Vivona  
Independent Bar Counsel  
Office of the Arizona Commission on Judicial Conduct  
1501 W. Washington St., Suite 229  
Phoenix, Arizona 85007  
mvivona@courts.az.gov

Lawyer regulation Records Manager  
State Bar of Arizona  
4201 North 24th Street, Suite 100  
Phoenix, Arizona 85016-6266  
lro@staff.azbar.org