

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

THOMAS C. MCDANIEL, III
Bar No. 016986

Respondent.

No. PDJ-2017-9016

**FINAL JUDGMENT AND
ORDER OF SUSPENSION**

[State Bar No. 15-2321]

FILED MAY 12, 2017

The decision of the hearing panel was filed with the disciplinary clerk on April 21, 2017. The time for appeal has passed and no appeal has been filed, accordingly:

IT IS ORDERED Respondent, **THOMAS C. MCDANIEL, III, Bar No. 016986**, is suspended from the practice of law for two (2) years effective April 21, 2017.

IT IS FURTHER ORDERED Mr. McDaniel shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED Mr. McDaniel shall pay restitution of \$3,000.00 plus interest at the statutory rate, to Loretta Cude.

IT IS FURTHER ORDERED Mr. McDaniel shall pay all of the State Bar's

costs and expenses in the amount of \$2,110.60 as ordered by the Presiding Disciplinary Judge. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge.

DATED this 12th day of May 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed this 12th day of May, 2017, and mailed May 15, 2017, to:

Nicole Kaseta
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Thomas C. McDaniel, III
5425 E. Broadway Blvd. Ste. 145
Tucson, AZ 85711-3706
Email: thomasmcdaniel3@aol.com
Respondent

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

THOMAS C. MCDANIEL III,
Bar No. 016986

Respondent.

PDJ 2017-9016

**DECISION AND ORDER
IMPOSING SANCTIONS**

[State Bar No. 15-2321]

FILED APRIL 21, 2017

On April 12, 2017, the Hearing Panel, comprised of Judge Maurice Portley (Retired), Attorney Member, Mel O'Donnell, Public Member, and Presiding Disciplinary Judge (PDJ) William J. O'Neil, held an aggravation/mitigation hearing. Nicole Kaseta appeared on behalf of the State Bar of Arizona. Mr. McDaniel failed to appear. At the conclusion of the hearing, the State Bar requested a two (2) year suspension and \$3,000.00 in restitution.

I. SANCTION IMPOSED

TWO (2) YEAR SUSPENSION AND RESTITUTION

II. PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint on February 7, 2017. On February 8, 2017, the complaint was served on Mr. McDaniel by certified, delivery restricted mail, and by regular first class mail, pursuant to Rules 47(c) and

58(a) (2), Ariz. R. Sup. Ct.¹ The Presiding Disciplinary Judge (“PDJ”) was assigned to the matter. Mr. McDaniel failed to file an answer. A notice of default properly issued on March 7, 2017. Default was effective on March 28, 2017. A notice was sent on that date too all parties that the aggravation and mitigation hearing was scheduled for April 12, 2017 at 1:30 p.m., at the State Courts Building, 1501 West Washington Street, Phoenix, Arizona 85007-3231. On April 12, 2017, the Hearing Panel, duly empaneled, heard the matter.

A respondent against whom a default has been entered no may longer litigate the merits of the factual allegations, but retains the right to appear and participate in the hearing to the extent allowed by the rules of procedure. Mr. McDaniel did not appear and waived any such right.

III. FINDINGS OF FACT

The facts listed below are those set forth in the SBA’s complaint and were deemed admitted by Mr. McDaniel’s default. Those allegations were supported by the admission of fifteen exhibits. Although the allegations were admitted by his default, there has also been an independent determination by the Hearing Panel that the State Bar has proven by clear and convincing evidence that Mr. McDaniel violated the ethical rules.

1. Unless stated otherwise, all Rule references are to the Ariz. R. Sup. Ct.

1. Mr. McDaniel was a lawyer licensed to practice law in Arizona having been first admitted to practice in Arizona on May 18, 1996.

2. On June 14, 2016, Mr. McDaniel was administratively suspended for non-payment of dues.

COUNT ONE (File no. 15-2321/Loretta Cude)

3. Complainant Loretta Cude (Ms. Cude) retained Mr. McDaniel on February 13, 2014 to assist her with obtaining visitation of her two daughters who were adopted by her father and step-mother.

4. Ms. Cude paid Mr. McDaniel \$3,000.

5. Mr. McDaniel failed to communicate to Ms. Cude the scope of the representation or the basis or rate of the fee and expenses for which Ms. Cude would be responsible for in writing.

6. On April 28, 2014, Mr. McDaniel filed a petition for parenting time by a nonparent on behalf of Ms. Cude.

7. Mr. McDaniel listed Ms. Cude's father or the children's adoptive father as the only Mr. McDaniel in the petition even though Ms. Cude had informed Mr. McDaniel, in their initial consultation, that her step-mother also adopted her daughters.

8. On May 20, 2014, Ms. Cude's father filed a motion to dismiss and a response to petition for parenting time.

9. In the motion to dismiss and response, Ms. Cude's father argued that Mr. McDaniel failed to include an indispensable party, the children's adoptive mother or Ms. Cude's step-mother.

10. In the motion to dismiss and response, Ms. Cude's father requested that Ms. Cude either amend her petition to include her step-mother or dismiss the petition.

11. In the motion to dismiss and response, Ms. Cude's father also sought attorney fees.

12. Mr. McDaniel did not file a response to the motion to dismiss.

13. The court held a hearing on the motion to dismiss on July 14, 2014.

14. Mr. McDaniel appeared for the July 14, 2014 hearing on the motion to dismiss.

15. The court ordered that Mr. McDaniel file an amended petition for parenting time by July 21, 2014.

16. At the July 14, 2014 hearing on the motion to dismiss, the court stated that it would address Ms. Cude's father's request for attorney fees at the next hearing.

17. Mr. McDaniel did not file an amended petition for parenting time by July 21, 2014 or otherwise.

18. On August 7, 2014, the court lodged Ms. Cude's father's request for fees in the amount of \$1,270 and ordered that Mr. McDaniel file an objection within ten days "or the Court may grant the request."

19. Mr. McDaniel did not file an objection to the father's request for fees.

20. On August 27, 2014, the court entered a judgment against Ms. Cude for attorney fees in the amount of \$1,026 and costs of \$195.

21. The court reasoned that Ms. Cude "did not act reasonably in the litigation."

22. The court explained: "She omitted a necessary party in her original Petition and did not file an amended petition as ordered. Further, she did not file an objection to the . . . Affidavit of attorney fees and costs. The Court provided Notice to the Petitioner that Mr. McDaniel's request for attorney fees and costs may be granted if no objection is filed."

23. On September 10, 2014, the court entered a final judgment against Ms. Cude in the total amount of \$1,221.80.

24. On October 3, 2014, Mr. McDaniel filed a motion in opposition to the final judgment.

25. In his October 3, 2014 motion, Mr. McDaniel wrote that he hired new staff at the time that father filed his request for attorney fees.

26. On December 10, 2014, the court held a hearing on Mr. McDaniel's October 3, 2014 motion.

27. The court concluded that it "cannot find a sufficient basis to dismiss the final judgment for attorney's fees and costs."

28. The court explained: "The Court notes that on July 14, 2014 it was ordered that an amended petition for parenting time by a non-parent be filed no later than July 21, 2014 and this has not occurred."

29. Ms. Cude continually called Mr. McDaniel regarding the status of the case but Mr. McDaniel never returned her calls.

30. Ms. Cude has not communicated with Mr. McDaniel since April or May, 2015.

31. On July 29, 2016, intake bar counsel spoke with Mr. McDaniel briefly. Mr. McDaniel informed intake bar counsel that it was not a good time to talk. Mr. McDaniel further informed intake bar counsel that he was no longer practicing law.

32. Intake bar counsel left a subsequent voicemail message for Mr. McDaniel, but Mr. McDaniel failed to contact intake bar counsel.

33. On July 8, 2016, intake bar counsel emailed Mr. McDaniel, and informed him that he was sending this matter for a screening investigation because of Mr. McDaniel's failure to return his calls.

34. On August 10, 2016, bar counsel sent Mr. McDaniel a screening letter requesting a response by August 30, 2016.

35. Mr. McDaniel did not respond to the screening letter by August 30, 2016 and, therefore on September 6, 2016, bar counsel sent Mr. McDaniel a second letter demanding a response to the screening letter within ten days.

36. Mr. McDaniel failed to respond to the screening letter within the ten days.

37. On September 19, 2016, bar counsel left Mr. McDaniel a voicemail message asking Mr. McDaniel to call her back.

38. Mr. McDaniel failed to return the telephone call.

39. On the same date, bar counsel also sent Mr. McDaniel an email to his email address of record.

40. The email was returned as undeliverable.

41. To date, Mr. McDaniel has not responded to the State Bar's screening letter.

42. By engaging in the misconduct described above, Mr. McDaniel violated several ethical rules including, but not limited to: Rule 42, Ethical Rules 1.1, 1.2, 1.3, 1.4, 1.5, 1.16(d), 3.4(c), 8.1(b), and Rules 54(c) and 54(d).

IV. CONCLUSIONS OF LAW

Mr. McDaniel failed to file an answer or otherwise defend against the allegations in the SBA's complaint. Default was properly entered, and the allegations are therefore deemed admitted pursuant to under Rule 58(d). Based upon the facts deemed admitted, the Hearing Panel finds by clear and convincing evidence that Mr. McDaniel violated Rule 42, Ethical Rules 1.1, 1.2, 1.3, 1.4, 1.5, 1.16(d), 3.4(c), 8.1(b), and Rules 54(c) and 54(d).

V. ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should consider: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*.

Duties violated:

Mr. McDaniel violated his duty to his client by violating ERs 1.1, 1.2, 1.3, and 1.4. Mr. McDaniel violated his duty as a professional by violating ERs 1.16(d), 8.1(b), and Rule 54(d). Mr. McDaniel violated his duty to the legal system by violating ER 3.4(c) and Rule 54(c).

Mental State and Injury:

Mr. McDaniel violated his duty to his client, implicating *Standard 4.4*.

Standard 4.42 states:

Suspension is generally appropriate when:

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

Mr. McDaniel knowingly failed to perform services for Ms. Cude, including by failing to file a response to a motion to dismiss, failing to file an amended petition for parenting time by July 21, 2014, and failing to object to the request for attorney fees. This caused injury to Ms. Cude because the court entered a judgment against her for \$1,221.80. Therefore, *Standard 4.42* applies.

Mr. McDaniel also violated his duty owed as a professional, which implicates *Standard 7.0*. *Standard 7.2* states, “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.”

Mr. McDaniel knowingly engaged in conduct that violated his duty as a professional. Mr. McDaniel abandoned his client and failed to respond to the SBA’s

investigation. This caused injury to Ms. Cude because the court entered a judgment against her for \$1,221.80. Therefore, *Standard 7.2* applies.

Mr. McDaniel also violated his duty to the legal system, which implicates *Standard 6.0*. *Standard 6.22* states, “Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with legal proceedings.”

Mr. McDaniel knowingly violated the court’s July 14, 2014 order directing him to file an amended petition for parenting time by July 21, 2014. This caused injury because the court entered a judgment against her for \$1,221.80. Therefore, *Standard 6.22* applies.

AGGRAVATING AND MITIGATING FACTORS

The Hearing Panel finds the following aggravating factors are present in this matter:

- *Standard 9.22(a)*, prior disciplinary offenses. Mr. McDaniel was informally reprimanded in SBA file no. 03-1872 for violating ERs 1.2, 1.3, 1.4, and Rule 53(f). Mr. McDaniel was also suspended for six months and one day in SBA file numbers 03-2202, 03-2319, and 04-1510 for violating ERs 1.1, 1.2, 1.2, 1.4, 1.5, 1.16, 3.2, 3.3, 5.3, 8.1, and 8.4(c) and (d). [Exhibit 13-14.]

- *Standard 9.22(e)*, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency.

Mr. McDaniel failed to respond to the SBA's investigation.

- *Standard 9.22(i)*, substantial experience in the practice of law. Mr. McDaniel first became licensed to practice law in Arizona in 1996.

The Hearing Panel finds there are no applicable mitigating factors.

VI. PROPORTIONALITY

In the past, the Supreme Court has consulted similar cases to assess the proportionality of the sanction recommended. *See In re Struthers*, 179 Ariz. 216, 226, 887 P.2d 789, 799 (1994). The Supreme Court has recognized that the concept of proportionality review is “an imperfect process.” *In re Owens*, 182 Ariz. 121, 127, 893 P.3d 1284, 1290 (1995). This is because no two cases “are ever alike.” *Id.*

To have an effective system of professional sanctions, there must be internal consistency, and it is appropriate to examine sanctions imposed in factually similar cases. *See In re Peasley*, 208 Ariz. 27, 35, 90 P.3d 764, 772 (2004). However, the discipline must be tailored to the individual case, as neither perfection nor absolute uniformity can be achieved. *Id.* at 208 Ariz. at ¶ 61, 90 P.3d at 778 (citing *In re Alcorn*, 202 Ariz. 62, 76, 41 P.3d 600, 614 (2002); *In re Wines*, 135 Ariz. 203, 207, 660 P.2d 454, 458 (1983)).

In *In Re Ventura*, SBA file Nos. 14-1940, 14-2273, and 14-2528, Ventura was suspended from the practice of law for four years and ordered to pay restitution. In the three counts, Ventura abandoned clients and failed to diligently represent and adequately communicate with clients. Ventura also failed to comply with certain court orders. Ventura further failed to cooperate with the SBA. Ventura violated ERs 1.2(a), 1.3, 1.4, 1.5(b), 1.15(d), 1.16(d), 3.4(c), 8.1(b), 8.4(d), and Rules 43, 54(c), and 54(d). The aggravating factors included a pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding, vulnerability of the victim, and substantial experience in the practice of law. The mitigating factors included absence of a prior disciplinary record and personal or emotional problems.

In *In Re Ware*, SB-08-0999, Ware was suspended for two years, placed on probation for two years to include LOMAP and MAP, and ordered to pay restitution. Ware accepted retainers from two clients and virtually abandoned such clients. Ware failed to provide competent diligent representation, charged an unreasonable fee, failed to return unearned fees, and failed to cooperate in the SBA's investigation. Ware violated ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 3.2, 8.4(d), and Rules 32(c)(3), 43(d), and 53(f). Aggravating factors included dishonest or selfish motive, a pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding, vulnerability of victim, substantial experience in the practice of law, and indifference

to making restitution. The sole mitigating factor was lack of a prior disciplinary record.

In *In Re McCarthy*, SB-01-0121-D, McCarthy was suspended for 2 years, placed on probation for 2 years, and ordered to pay restitution. McCarthy failed to communicate or consult with clients, failed to act with reasonable diligence, failed to keep his address current with membership records, failed to reasonably try to expedite litigation consistent with his client's interests, failed to return a client's file, failed to attend two court hearings, made misrepresentations to opposing counsel and bar counsel, charged an unreasonable fee, failed to properly withdraw from representation, was dishonest in representing his client, and engaged in conduct prejudicial to the administration of justice. McCarthy also failed to respond to the SBA's investigation. McCarthy violated ERs 1.2, 1.3, 1.5(a), 1.16(d), 3.2, 8.1(b), 8.4(c), 8.4(d), and Rules 31(c)(3), 51(h), and 51(i). Aggravating factors included a pattern of misconduct, multiple offenses, and bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency. The sole mitigating factor was absence of a prior disciplinary record.

This case is similar to those cited above because they all involve abandonment or virtual abandonment of a client.

VII. CONCLUSION

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Hearing Panel has made the above findings of fact and conclusions of law. The Hearing Panel has determined the sanction using the facts deemed admitted, the *Standards*, the aggravating factors, the mitigating factor, and the goals of the attorney discipline system. The Hearing Panel orders:

1. Mr. McDaniel shall be suspended from the practice of law for two (2) years effective immediately, with terms and conditions of reinstatement to be determined during reinstatement proceedings.
2. Mr. McDaniel shall pay all costs and expenses incurred by the SBA. There are no costs incurred by the Office of the Presiding Disciplinary Judge in this proceeding.

3. Mr. McDaniel shall pay the following in restitution: Three Thousand Dollars (\$3,000.00) to Loretta Cude. [Exhibit 15.]

A final judgment and order will follow.

DATED this 21st day of April, 2017.

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

Maurice Portley
Judge Maurice Portley (Retired), Volunteer Attorney Member

Mel O'Donnell
Mel O'Donnell, Volunteer Public Member

Copy of the foregoing emailed this 21st day of April, 2017, and mailed April 24, 2017, to:

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Respondent

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by: AMcQueen

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

FEB 7 2017

FILED
BY 

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**THOMAS C. MCDANIEL III,
Bar No. 016986,**

Respondent.

PDJ 2017-9016

COMPLAINT

[State Bar No. 15-2321]

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on May 18, 1996.

COUNT ONE (File no. 15-2321/Cude)

2. Complainant Loretta Cude (Cude) retained Respondent on February 13, 2014 to assist her with obtaining visitation of her two daughters who were adopted by her father and step-mother.

3. Cude paid Respondent \$3,000.
4. Respondent failed to communicate to Cude the scope of the representation or the basis or rate of the fee and expenses for which Cude would be responsible for in writing.
5. On April 28, 2014, Respondent filed a petition for parenting time by a nonparent on behalf of Cude.
6. Respondent listed Cude's father or the children's adoptive father as the only respondent in the petition even though Cude informed Respondent in their initial consultation that her step-mother also adopted her daughter.
7. On May 20, 2014, Cude's father filed a motion to dismiss and a response to petition for parenting time.
8. In the motion to dismiss and response, Cude's father argued that Respondent failed to include an indispensable party, the children's adoptive mother or Cude's step-mother.
9. In the motion to dismiss and response, Cude's father requested that Cude either amend her petition to include her step-mother or dismiss the petition.
10. In the motion to dismiss and response, Cude's father also sought attorney fees.
11. Respondent did not file a response to the motion to dismiss.

12. The court held a hearing on the motion to dismiss on July 14, 2014.

13. Respondent appeared for the July 14, 2014 hearing on the motion to dismiss.

14. The court ordered that Respondent file an amended petition for parenting time by July 21, 2014.

15. At the July 14, 2014 hearing on the motion to dismiss, the court stated that it would address Cude's father's request for attorney fees at the next hearing.

16. Respondent did not file an amended petition for parenting time by July 21, 2014 or otherwise.

17. On August 7, 2014, the court lodged Cude's father's request for fees in the amount of \$1,270 and ordered that Respondent file an objection within ten days "or the Court may grant the request."

18. Respondent did not file an objection to the father's request for fees.

19. On August 27, 2014, the court entered a judgment against Cude for attorney fees in the amount of \$1,026 and costs of \$195.

20. The court reasoned that Cude "did not act reasonably in the litigation."

21. The court explained: "She omitted a necessary party in her original Petition and did not file an amended petition as ordered. Further, she did not file

an objection to the . . . Affidavit of attorney fees and costs. The Court provided Notice to the Petitioner that Respondent's request for attorney fees and costs may be granted if no objection is filed."

22. On September 10, 2014, the court entered a final judgment against Cude in the total amount of \$1,221.80.

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24. In his October 3, 2014 motion, Respondent wrote that he hired new staff at the time that father filed his request for attorney fees.

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26. The court concluded that it "cannot find a sufficient basis to dismiss the final judgment for attorney's fees and costs."

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28. Cude continually called Respondent regarding the status of the case but Respondent never returned her calls.

29. Cude has not communicated with Respondent since April or May of 2015.

30. On July 29, 2016, intake bar counsel spoke with Respondent briefly. Respondent informed intake bar counsel that it was not a good time to talk. Respondent further informed intake bar counsel that he was no longer practicing law.

31. Intake bar counsel left a subsequent voicemail message for Respondent but Respondent failed to return the message.

32. On July 8, 2016, intake bar counsel emailed Respondent and informed him that he was sending this matter for a screening investigation because of Respondent's failure to return his calls.

33. On August 10, 2016, bar counsel sent Respondent a screening letter requesting a response by August 30, 2016.

34. Respondent did not respond to the screening letter by August 30, 2016 and, therefore on September 6, 2016, bar counsel sent Respondent a second letter demanding a response to the screening letter within ten days.

35. Respondent failed to respond to the screening letter within the ten days.

36. On September 19, 2016, bar counsel left Respondent a voicemail message asking Respondent to call her back.

37. Respondent failed to do so.

38. On the same date, bar counsel also sent Respondent an email to his email address of record.

39. The email was returned as undeliverable.

40. To date, Respondent has not responded to the State Bar's screening letter.

41. Respondent's conduct in this count violated Rule 42, Ariz. R. Sup. Ct., Ethical Rules 1.1, 1.2, 1.3, 1.4, 1.5, 1.16(d), 3.4(c), 8.1(b), and Rules 54(c) and 54(d), Ariz. R. Sup. Ct.

DATED this 7th day of February, 2017.

STATE BAR OF ARIZONA

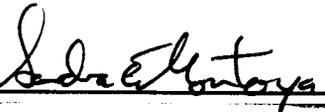
Nicole S. Kaset
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 1st day of February, 2017.

by: Karen E. Calvey
NSK:kec

FILED

JAN 31 2017

BY 

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

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

**THOMAS C. MCDANIEL,
Bar No. 016986,**

Respondent.

No. 15-2321

PROBABLE CAUSE ORDER

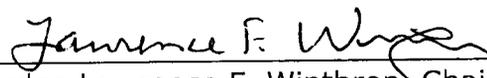
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on January 13, 2017, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-2321.

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

Parties may not file motions for reconsideration of this Order.

DATED this 31 day of January, 2017.


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

¹ Committee member Ben Harrison and Daisy Flores did not participate in this matter.

Original filed this 31st day
of January, 2017 with:

Lawyer Regulation Records Manager
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4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

Copy mailed this 1st day
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Respondent

Copy emailed this 1st day
of February, 2017, to:

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