

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

SABINUS A MEGWA,
Bar No. 011266,

Respondent.

PDJ 2017-9056

**FINAL JUDGMENT AND
ORDER**

[State Bar File No. 16-1433]

FILED AUGUST 30, 2017

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on August 24, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement. Accordingly:

IT IS ORDERED Respondent, **Sabinus A. Megwa, Bar No. 011266**, is suspended for thirty (30) days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this order.

IT IS FURTHER ORDERED upon reinstatement, Mr. Megwa shall be placed on probation for a period of eighteen (18) months. The period of probation shall commence upon Mr. Megwa's reinstatement to the active practice of law and will conclude eighteen (18) months from that date.

IT IS FURTHER ORDERED as a term of probation, Mr. Megwa shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days

of Mr. Megwa's reinstatement to the active practice of law. Mr. Megwa shall submit to a LOMAP examination of his office procedures. Mr. Megwa shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Mr. Megwa shall be responsible for any costs associated with LOMAP.

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

IT IS FURTHER ORDERED Mr. Megwa shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,570.50, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this August, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this August, 2017, to:

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

Ralph W Adams
Adams & Clark PC
520 E Portland St
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Email: ralph@adamsclark.com
Respondent's Counsel

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

SABINUS A. MEGWA,
Bar No. 011266

Respondent.

PDJ-2017-9056

**DECISION AND ORDER
ACCEPTING DISCIPLINE BY
CONSENT**

[State Bar File No. 16-1433]

FILED AUGUST 30, 2017

Probable cause issued on April 3, 2017, and the formal complaint was filed on April 24, 2017. On August 24, 2017, the parties filed their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline...” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved...” If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Mr. Megwa has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Notice of this Agreement and an

opportunity to object as required by Rule 53(b)(3), Ariz. R. Sup. Ct., was provided by letter to the complainant on July 25, 2017. No objections have been filed.

The Agreement details a factual basis to support the conditional admissions. Mr. Megwa conditionally admits he violated Rule 42, ERs 1.3 (diligence) and 1.4(a). The agreed upon sanction includes a thirty (30) day suspension, eighteen (18) months of probation upon reinstatement and the payment of costs within thirty (30) days of this Order. If not timely paid they shall accrue interest at the legal rate. The conditional admissions are briefly summarized.

On September 26, 2012, Mr. Megwa represented a mother and her two minor children in a personal injury matter. He sent a demand letter to the insurance company who offered on March 17, 2014 to settle all three claims. The claims for the two minor children were subject to court approval and required a petition be filed for the appointment of a conservator. Mr. Megwa thereafter, failed to diligently represent and adequately communicate with his clients. He failed to file the petition until May 19, 2016, and failed to update his clients and the insurance company of the status of the settlement and conservatorship appointment despite their repeated requests for information.

The parties agree that *Standards 4.42, Lack of Diligence*, is applicable to Mr. Megwa's violation of ERs 1.3 and 1.4 and provides that suspension is appropriate when a lawyer knowingly fails to perform services for a client and causes injury or

potential injury to a client. Here, Mr. Megwa knowingly failed to file his client's petition for approximately two years and failed to communicate with his clients. His failures caused potential injury to his clients. In aggravation are factors 9.22(a) prior discipline, 9.22(c) pattern of misconduct, and 9.22(i) substantial experience in the practice of law. In mitigation are factors 9.32(b) absence of selfish or dishonest motive, 9.32(e), 9.32(d) timely good faith effort to make restitution, and 9.32(m) remote.

Upon consideration, the Presiding Disciplinary Judge finds that the proposed sanction of suspension and probation meets the objectives of attorney discipline. Now therefore,

IT IS ORDERED accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: thirty (30) day suspension, upon reinstatement, eighteen (18) months of probation and \$1,570.50 in costs and expenses to be paid within thirty (30) days of this order. There are no costs incurred by the office of the presiding disciplinary judge. A final judgment and order is signed this date.

DATED this August 30, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on August 30, 2017, to:

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

Ralph W. Adams
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Respondent's Counsel

by: AMcQueen

Nicole S. Kasetta, Bar No. 025244
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

AUG 24 2017

FILED

BY



Ralph W. Adams, Bar No. 015599
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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**SABINUS A. MEGWA
Bar No. 011266,**

Respondent.

PDJ 2017-9056

State Bar File No. 16-1433

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Sabinus A. Megwa, who is represented in this matter by counsel, Ralph W. Adams, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. Respondent voluntarily waives the right to an adjudicatory hearing,

unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant by letter dated July 25, 2017. Complainant has been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.3 and 1.4(a). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Thirty (30) day suspension and eighteen (18) months of probation upon reinstatement to include participation in the Law Office Management Assistance Program (LOMAP). Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to

accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on May 9, 1987.

COUNT ONE (File no. 16-1433/ Medina)

2. On September 24, 2012, Miriam Medina (Miriam) and her two minor children, Alexis and Bernice Medina (children), were involved in an automobile accident.
3. On September 26, 2012, Miriam retained Respondent to represent her and her children relating to the automobile accident.
4. On September 26, 2012, Miriam executed a Contingent Fee Agreement providing for a fee of 25% of the "last settlement offer obtained by Attorney."

¹ 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.

5. The children's father, Antonio Medina (Antonio), was present when Miriam retained Respondent but only Miriam executed the Contingent Fee Agreement.

6. From October of 2012 through August of 2013, Respondent requested and obtained medical records relating to Miriam and her children.

7. On September 23, 2013, Respondent sent a demand letter to Farmers Insurance (Farmers) on behalf of Miriam and her children.

8. In his September 23, 2013 demand letter, Respondent wrote: "At this time, my clients have completed active medical care and as such, they have each authorized me to demand full and final settlement of their respective bodily injury claims"

9. On March 17, 2014, Farmers offered to settle the children's claims for \$13,000 and \$6,500.

10. On the same date, Farmer's also offered to settle Miriam's claim for \$12,500.

11. On April 18, 2014, Farmers sent a letter to Respondent stating the following: "After our conversation on 3/17/14, it was my understanding that we reached agreements on these three claims. As discussed, we require a

conservatorship on the minors' claims. Please let us know if you need anything from us to start the process.”

12. On or about July 7, 2014, Miriam authorized the settlement of her claim and of her children's claims.

13. On July 31, 2014, Respondent met with Miriam.

14. At the July 31, 2014 meeting, Miriam signed her settlement check and release and Respondent provided Miriam her settlement proceeds.

15. At the July 31, 2014 meeting, Respondent advised Miriam that the settlement of the children's claims was subject to court approval through a petition for appointment of a conservator.

16. At the July 31, 2014 meeting, despite settling the children's claims and informing Farmers that the children had completed all active medical care, Respondent informed Miriam that he would delay filing the conservatorship petitions because he wanted to ensure that the children were fully recovered from their injuries.

17. On September 15, 2014 and December 15, 2014, Respondent sent Miriam letters requesting an updated status on children's medical conditions. Miriam did not provide the requested information at this time.

18. In March of 2015, Respondent's paralegal informed Farmers that she knew that the conservatorship had not been filed, that she did not have a timeframe as to when it would be filed, and that she would direct Respondent to contact Farmers.

19. On March 16, 2015, Respondent sent a letter to Miriam requesting an update on the children's medical conditions.

20. On April 17, 2015, Miriam informed Respondent that one of her children was still having medical issues and that she did not know if it was related to the accident.

21. On April 17, 2015, Farmers sent a letter to Respondent and wrote: "We agreed to settlement figures on these cases over 9 months ago. What is the status on the minors' compromises?"

22. Respondent did not respond to the April 17, 2015 letter.

23. On June 24, 2015, Farmers sent a letter to Respondent and wrote: "We agreed to settlement figures on these well over a year ago. I don't see that anything has been filed in Superior Court. What is the status of the minor's comps? Should I close these out and wait until they turn 18?"

24. Respondent did not respond to the June 24, 2015 letter.

25. On May 18, 2016, Respondent met with Miriam, Antonio, and the children and determined that the children did not have any ongoing medical issues related to the accident.

26. Respondent filed the conservatorship petition the next day.

27. Specifically, on May 19, 2016, Respondent filed petitions for appointment of a conservator and for orders approving settlement of the children's claims (Petitions).

28. In the Petitions, Respondent requested that Miriam be appointed conservator for the children, that the court enter an order approving the children's settlement, that the court approve of the payment of Respondent's fees and costs, and that the court enter an order directing certain of the settlement proceeds be deposited into restricted accounts in the name of Miriam as conservator for the children.

29. The court scheduled a hearing on the Petition for June 29, 2016.

30. On June 29, 2016, the court appointed Miriam as the conservator for her children and approved of the settlements.

31. On June 30, 2016, Farmers issued settlement checks for the children.

32. Respondent received the settlement checks on or about July 5, 2016.

33. Respondent met with Miriam and Antonio on July 28, 2016 to sign the settlement checks and releases.

34. Respondent's incoming telephone log and time records reflect that Respondent failed to timely respond to Miriam and Antonio's phone calls and requests for information.

35. For example, the telephone log demonstrates that Miriam or Antonio left the following messages for Respondent and his staff: October 25, 2013 ["Please return call has called 3 times"]; June 13, 2014, ["Needs to know a day of when to expect my money . . . it's been 2 years"]; January 30, 2015, ["Never called [Miriam] for the conference call"]; April 1, 2016 ["Very Upset"]; April 14, 2016 ["Very Upset Please call"]; and April 15, 2016 ["Very Upset"].

36. Respondent's time records include the following entries: June 13, 2014 ["Client called and needs to know a day of when to expect my money . . it's been 2 years"]; June 20, 2014 ["Client called very upset, that [Respondent] has not returned her calls, she want[s] to cancel our service, close her file etc."); January 30, 2015 ["Client called [and] inform[ed] that she never received the call for the conference call"]; April 1, 2016 ["Antonio Medina called very upset would like to talk to [Respondent][.] [H]e is tired of leaving messages without a return call and would

like to know why is he taking too long for him to open trust account”]; April 1, 2016 [“Miriam Medina called very upset[.] [S]he states she has been leaving messages and no return call[.] Same as Mr. Medina”]; April 14, 2016 [“Client called regarding case, very upset please call”]; April 15, 2016 [“Client has called several times and is very upset”]; and May 3, 2016 [“Client called she’s very upset has called several times and no return call”].

37. Respondent’s incoming telephone logs and time records reflect prolonged periods of inactivity and lack of communication with Miriam during the following months of representation: April 2014; August 2014; October and November 2014; May 2015; July 2015; September and October 2015; January 2016; and March 2016.

38. Respondent states that inactivity in April 2014 resulted from the fact that Miriam was aware of the settlements but had not yet approved the settlements. Miriam did not do so until July 2014. Respondent states that inactivity in August 2014 resulted from the fact that Miriam had approved the settlements in July 2014 but the stabilization of the minors’ claims had not yet been established. Respondent states that inactivity in November 2014 resulted from the fact that Respondent had sent a letter to Miriam in September 2014 requesting an update on the minors’

stabilization to which Miriam had not responded. Respondent states that inactivity in May 2015 resulted from the fact that in April 2015, Miriam informed Respondent that one of the minor children was still having medical issues and had not stabilized.

39. Additionally, Respondent did not timely respond to Farmer's during the pendency of the matter.

40. Specifically, Respondent did not respond to Farmer's telephone calls on March 26, 2014, March 28, 2014, April 10, 2014, April 18, 2014, and May 7, 2014, as well as to telephone calls from Farmers in November 2014, February 2015, and March 2015.

41. Farmers telephone calls referred to in the preceding paragraph were answered by Respondent's staff.

42. Respondent also did not respond to letters that Farmers sent to him in October 2014, January 2015, April 2015, and June 2015.

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3 and 1.4(a).

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Thirty (30) day suspension with eighteen (18) months of probation upon reinstatement to include participation in the Law Office Management Assistance Program (LOMAP).

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

LOMAP

Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of reinstatement. Respondent shall submit to a LOMAP examination of his office's procedures. Respondent shall sign terms and conditions of probation, including reporting requirements, which shall be incorporated herein. The probation period will commence at the time of

reinstatement and will conclude eighteen (18) months from that date. Respondent will be responsible for any costs associated with LOMAP.

NON-COMPLIANCE LANGUAGE

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

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various

types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

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

The parties agree that *Standard* 4.42 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 4.42 provides: "Suspension is generally appropriate when . . . a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client." Respondent knowingly failed to file the conservatorship petitions for approximately two years after Respondent settled the children's claims with Farmers. Respondent also knowingly failed to communicate with Miriam and Antonio.

The duty violated

As described above, Respondent's conduct violated his duty to client.

The lawyer's mental state

For purposes of this agreement, the parties agree that Respondent knowingly failed to timely file the conservatorship petitions and knowingly failed to communicate with his client and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm to the client.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22(a), prior disciplinary offenses. In State Bar file no. 13-1432, Respondent was reprimanded for violating ERs 1.3, 1.4(a)(3), 3.2, and 8.4(d). In State Bar file no. 12-2516, Respondent was admonished and ordered to one year of probation to include TAEPP and LOMAP for violating ERs 1.15(a) and Rule 43(b)(1)(A), (b)(1)(C), (b)(2)(A), (b)(2)(B), (b)(2)(C), and (b)(1)(C). In State Bar file no. 11-2646, Respondent was admonished and ordered to two years of probation to include LOMAP for violating ERs 1.3, 1.4, 8.1(b), and 8.4(d). In State Bar file no. 89-1808, Respondent was informally reprimanded and ordered to probation to include LOMAP for violating ER 1.7.

Standard 9.22(c), a pattern of misconduct. Respondent has been disciplined before for violating ERs 1.3 and 1.4.

Standard 9.22(i), substantial experience in the practice of law. Respondent has been licensed to practice law in Arizona since May 9, 1987.

In mitigation:

Standard 9.32(b), absence of dishonest or selfish motive. Respondent's intent was to ensure the minors' condition was stable prior to finalization.

Standard 9.32(e), full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

Standard 9.32(d), timely good faith effort to make restitution. Respondent discounted his fee to ensure that the minors were not financially harmed by the length of time taken to reach resolution.

Standard 9.32(m), remoteness of prior offenses. Respondent received his first informal reprimand in 1992.

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.

This agreement was based on the following: While Respondent delayed filing the conservatorship petitions for two years, Respondent states that he did so because he was concerned about the children having any subsequent medical issues relating to the accident. Moreover, Respondent periodically followed-up with Miriam regarding the children's medical conditions after settling the children's claims. Respondent's telephone log and time records demonstrate that Respondent did not

adequately communicate with Miriam and Antonio but Respondent's participation in LOMAP will address the communication issues.

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

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of a thirty (30) day suspension with eighteen (18) months of probation to include LOMAP and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this 23rd day of August, 2017

STATE BAR OF ARIZONA



Nicole S. Kasetta
Staff Bar Counsel

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

DATED this _____ day of August, 2017.

Sabinus A. Megwa
Respondent

DATED this _____ day of August, 2017.

Adams & Clark PC

Ralph W. Adams
Counsel for Respondent

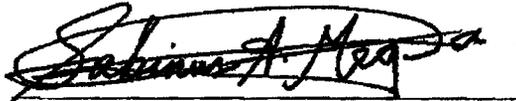
Approved as to form and content



Maret Vessella
Chief Bar Counsel

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

DATED this 23rd day of August, 2017.



Sabinus A. Megwa
Respondent

DATED this 23rd day of August, 2017.

Adams & Clark PC



Ralph W. Adams
Counsel for Respondent

Approved as to form and content

Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 24th day of August, 2017.

Copy of the foregoing emailed
this 24th day of August, 2017, to:

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

Copy of the foregoing mailed/emailed
this 24th day of August, 2017, to:

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

Copy of the foregoing hand-delivered
this 24th day of August, 2017, to:

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

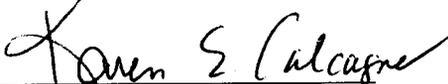
by: 
NSK: KEC

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Sabinus A. Megwa, Bar No. 011266, Respondent

File No. 16-1433

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

07/24/17 Alliance Invoice: Deposition of Sabinus A. Megwa \$ 370.50

Total for staff investigator charges \$ 370.50

TOTAL COSTS AND EXPENSES INCURRED \$1,570.50

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

SABINUS A MEGWA,
Bar No. 011266,

Respondent.

PDJ 2017-9056

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 16-1433]

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

IT IS HEREBY ORDERED that Respondent, **Sabinus A. Megwa**, is hereby suspended for a period of thirty (30) days for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, thirty (30) days from the date of this final judgment and order.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation for a period of 18 months. The period of probation shall

commence upon Respondent's reinstatement to the practice of law and will conclude eighteen (18) months from that date.

IT IS FURTHER ORDERED that, as a term of probation, Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days of Respondent's reinstatement to the practice of law. Respondent shall submit to a LOMAP examination of his office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.

NON-COMPLIANCE LANGUAGE

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

terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,570.50, within 30 days from the date of service of this Order.

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

DATED this _____ day of August, 2017

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

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of August, 2017.

Copies of the foregoing mailed/mailed
this _____ day of August, 2017, to:

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

Copy of the foregoing emailed/hand-delivered
this ____ day of August, 2017, to:

Nicole S Kasetta
Bar Counsel - Litigation
State Bar of Arizona
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Phoenix, Arizona 85016-6266

by: _____