

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GOURI G. NAIR,
Bar No. 024856

Respondent.

PDJ 2016-9123

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 16-1072]

FILED APRIL 12, 2017

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on March 27, 2017, under Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **Gouri G. Nair, Bar No. 024856**, is suspended for ninety (90) days for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this order.

IT IS FURTHER ORDERED upon reinstatement, Ms. Nair shall be placed on two (2) years of probation with the State Bar's Law Office Management Assistance Program (LOMAP) if and when Ms. Nair returns to Arizona to practice law. Ms. Nair currently does not live or practice law in Arizona. Ms. Nair shall notify the State Bar in writing if and when she returns to Arizona to practice law.

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

IT IS FURTHER ORDERED Gouri G. Nair 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. Interest shall accrue at the legal rate until paid.

DATED this 12th day of April 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing e-mailed this 12th day of April, 2017, and mailed April 13, 2017, to:

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

Geoffrey M. T. Sturr
Osborn Maledon PA
2929 N. Central Ave., Ste. 2100
Phoenix, AZ 85012-2765
Email: gsturr@omlaw.com

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GOURI G. NAIR,
Bar No. 024856

Respondent.

PDJ-2016-9123

**DECISION AND ORDER
ACCEPTING DISCIPLINE BY
CONSENT**

[State Bar File No. 16-1072]

FILED APRIL 12, 2017

A Probable Cause Order issued on November 1, 2016. The formal complaint was filed on December 5, 2016. The parties filed an Agreement for Discipline by Consent on March 27, 2017 pursuant to Rule 57(a), Ariz. R. Sup. Ct.¹

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. Ms. Nair voluntarily waives the right to an adjudicatory hearing, and waives all motions, defenses, objections or requests that could be asserted upon

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

approval of the proposed form of discipline. Notice of this Agreement and an opportunity to object as required by Rule 53(b)(3), was provided by letter to the complainant on March 27, 2017. No objection have been filed.

The Agreement details a factual basis to support the conditional admissions. Ms. Nair conditionally admits she violated Rule 42, ERs 1.3 (diligence), 1.4 (communication), 8.1(b) (failure to respond) and Rule 54(d) (refusal to cooperate or furnish information), Ariz. R. Sup. Ct. The agreed upon sanctions include a ninety (90) day suspension and two (2) years of probation with the State Bar's Law Office Management Assistance Program (LOMAP), if and when Ms. Nair returns to Arizona to practice law, and the payment of costs within thirty (30) days. Ms. Nair must notify the State Bar in writing if she returns to Arizona to practice law. Restitution is not an issue as Ms. Nair has refunded \$4,616.00 to the complainant.

Ms. Nair represented a client in March 2010 regarding obtaining a Provisional Patent Application. The client paid Ms. Nair \$3,500.00 and Ms. Nair filed the Provisional Patent application in March 2010 with the United States Patent and Trademark Office (USPTO). The client again hired Ms. Nair in March 2011 to file a Non-Provisional Patent Application with USPTO and paid her \$5,545.00. Thereafter, Ms. Nair failed to adequately communicate with her client and failed to file the Non-Provisional Application until August 2012. On March 26, 2013, the USPTO mailed Ms. Nair an USPTO Office Action rejecting parts of the application

based on its delayed filing and requested a response be filed by June 26, 2017. The client called Ms. Nair on June 17, 2013 regarding the status of the application as she believed the application had been filed in 2011 and not 2012. Ms. Nair charged the client an additional \$3,500.00 to file the response. In October 2013, the client terminated Ms. Nair and represented herself until January 2015 at which time she hired a new attorney to pursue the application. On February 1, 2016, the USPTO issued an Office Action denying the application submitted in 2012 regarding the separate patent application. If the client's application had been filed in August 2011 instead of 2012, the prior art submitted would not have been relied on by USPTO as the invention was conceived and reduced to practice prior to January 2012. Ms. Nair also failed to respond to the State Bar's initial screening letter investigating this matter.

Rule 58(k) provides sanctions shall be determined in accordance with the *American Bar Association Standards for Imposing Lawyer Sanctions*, ("*Standards*"). The parties agree *Standard 4.4, Lack of Diligence* applies to Ms. Nair's violations of ERs 1.3 (diligence) and 1.4 (communication). *Standard 4.42* suspension is generally appropriate when a lawyer engages in a pattern of neglect and causes injury or potentially injury to a client.

Standard 7.2 is applicable to Ms. Nair's violations of ER 8.1(b) (knowing failure to respond) and Rule 54(d) (refusal to cooperate/furnish information) and

provides 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.

Ms. Nair violated her duties to her client and the legal profession and caused actual injury and potentially serious injury to her client and actual injury to the legal profession. She failed to diligently represent and adequately communicate with her client. Ms. Nair also failed to provide the State Bar with her current address and email address as required by Rule 32(c)(3), Ariz. R. Sup. Ct.

The parties further agree the following aggravating and mitigating factors are present in the record: *Standard* 9.22(a) prior disciplinary offenses, 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, and (i) substantial experience in the practice of law are present in aggravation; and *Standard* 9.32(b) absence of dishonest or selfish motive, and 9.32(l) remorse are present in mitigation. Ms. Nair wrote a letter of apology to the client. [Agreement, Exhibit B.] That Ms. Nair refunded to her client a substantial portion of the fees paid her is strong evidence of both remorse and the absence of selfish motive. Upon consideration, the Presiding Disciplinary Judge finds the proposed sanctions of suspension and probation meets the objectives of attorney discipline. Now therefore,

IT IS ORDERED accepting and incorporating the Agreement including any supporting documents by this reference. The agreed upon sanction are: ninety (90)

day suspension effective the date of this order, and two (2) years of probation (LOMAP), only if Ms. Nair returns to the practice of law in Arizona. Ms. Nair shall pay the costs and expenses of the State Bar in these disciplinary proceeding totaling \$1,200.00, within thirty (30) days from the date 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 April 12, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing e-mailed this 12th day of April, 2017, and mailed April 13, 2017, to:

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Geoffrey M. T. Sturr
Osborn Maledon, PA
2929 N. Central Avenue, Suite 2100
Phoenix, AZ 85012-2765
Email: gsturr@omlaw.com
Respondent's Counsel

by: AMcQueen

David L. Sandweiss, Bar No. 005501
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4201 N. 24th Street, Suite 100
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Email: gsturr@omlaw.com
Respondent's Counsel

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

MAR 27 2017

FILED
BY 

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GOURI G. NAIR,
Bar No. 024856,**

Respondent.

PDJ 2016-9123

State Bar File No. 16-1072

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Gouri G. Nair, who is represented in this matter by counsel, Geoffrey M. T. Sturr, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct.¹ A

¹ All references herein to rules are to the Arizona Rules of the Supreme Court unless stated otherwise.

probable cause order was entered on November 1, 2016, a formal complaint was filed on December 5, 2016, and a settlement conference presided over by Rich Goldsmith took place on February 6, 2017. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admissions and proposed form of discipline are approved.

Pursuant to Rule 53(b)(3), notice of this agreement was provided to the complainant by mail and email on March 27, 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 her conduct, as set forth below, violated Rule 42, ERs 1.3 (Diligence), 1.4 (Communication), 8.1(b) (Failure to Respond in a Disciplinary Matter); and Rule 54(d) (Failure to Cooperate or Respond in a Disciplinary Matter). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Suspension for 90 days, and probation. Probationary terms are that Respondent will participate with LOMAP for two years starting if and when Respondent returns to Arizona to practice law. Respondent does not live or practice law in Arizona currently; she must notify the State Bar in writing if and when she returns to Arizona to practice law.

WARNING RE: NON-COMPLIANCE WITH PROBATION

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

In entering into this Agreement for Discipline by Consent the parties recognize that Respondent has paid \$4,616.00 in restitution to Complainant, and written to her a letter of apology. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of the court's order accepting this consent agreement, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.² The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

² 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

COUNT ONE of ONE (File no. 16-1072/Dena Kimble)

1. Respondent was licensed to practice law in Arizona on November 8, 2006.
2. In March 2010, Complainant Dena Kimble hired Respondent to file a Provisional Patent application with the United States Patent and Trademark Office (“USPTO”) concerning a hands-free iPhone case that Ms. Kimble invented.
3. Ms. Kimble paid Respondent \$3,500 and Respondent filed the Provisional Patent application with the USPTO in March 2010.
4. In March 2011, Ms. Kimble hired Respondent to file a Non-Provisional Patent Application with the USPTO for the same iPhone case for a fee of \$5,545. Between March 2011 and August 2011, Ms. Kimble and Respondent corresponded, and Ms. Kimble provided the necessary documents.
5. Respondent did not clearly communicate with Ms. Kimble about the status of the matter, and Ms. Kimble came to believe that Respondent had filed the Non-Provisional Patent Application for Ms. Kimble with the USPTO in August 2011.
6. In fact, Respondent did not file the Application with the USPTO until August 16, 2012.

7. Respondent had few communications with Ms. Kimble between August 2011 and August 2012 and failed to adequately explain the matter, leaving Ms. Kimble with the understanding that the Application had been filed in August 2011.

8. On March 26, 2013, the USPTO mailed to Respondent what is commonly referred to as an Office Action, rejecting certain aspects of the Application, and calling for a response within three months, or by June 26, 2013. The consequence of failing to respond to a USPTO Office Action is that the USPTO may determine that its rejection of certain aspects of the Application is final.

9. Ms. Kimble called Respondent on June 17, 2013, to determine the status of her patent application. Were this matter to proceed to hearing, the State Bar would offer evidence that Respondent did not inform Ms. Kimble of the March 26, 2013 Office Action until the June 17 phone call. Were this matter to proceed to hearing, Respondent would offer evidence that before the June 17 phone call she understood her staff had notified Ms. Kimble of the Office Action. During the June 17 phone call, Respondent discussed with Ms. Kimble the Office Action and Ms. Kimble's options in responding to it. Were this matter to proceed to hearing, the State Bar would assert that if Ms. Kimble had not called Respondent, Respondent would not have notified Ms. Kimble of the Office Action. Were this matter to proceed to hearing, Respondent would offer her own testimony to refute the State Bar's assertion.

10. Ms. Kimble hurriedly provided needed information to Respondent, and Respondent submitted a response to the March 26, 2013 Office Action on June 26, 2013.

11. Respondent charged Ms. Kimble an additional \$3,500 for this service.

12. On September 11, 2013, the USPTO mailed a second Office Action to Respondent, which Respondent sent to Ms. Kimble.

13. In October 2013, Ms. Kimble grew frustrated with Respondent and terminated her representation. Until January 2015, she represented herself.

14. In January 2015, Ms. Kimble retained new counsel to pursue the Application.

15. On February 1, 2016, the USPTO issued an Office Action which denied Ms. Kimble's Application, partly based on prior art submitted by Jamie Limber in January 2012 related to a different patent application. Had Respondent filed Ms. Kimble's Non-Provisional Patent Application in August 2011, as Ms. Kimble believed she had done, rather than in August 2012, Limber's prior art would not have been relied upon by the USPTO in its February 1, 2016 Office Action.

16. Were this matter to proceed to a hearing, the State Bar would offer evidence that in March 2016, Ms. Kimble's husband called Respondent for an explanation; Respondent expressed surprise, insisted that she filed the application in August 2011 and, while on the phone, checked her file; Respondent acted shocked when she saw that the filing date stamped on her file copy of the application was August 2012; Respondent told

Ms. Kimble's husband to call back in five minutes to check further on that issue; but ever since then neither Ms. Kimble nor her husband has been able to reach Respondent. Were this matter to proceed to hearing, Respondent would testify that: when she received a call from Ms. Kimble's husband in March 2016, more than two years after the representation had ended, she did not have a clear memory of the August 2012 filing of the Application; she did not insist that she had filed the application in August 2011; she checked her computer records while on the telephone and told Ms. Kimble's husband that the Application had been filed in August 2012; that every document issued by the USPTO relating to the Application, including those received by Ms. Kimble while she represented herself, identified August 2012 as the date of the Application's filing; and that she is not aware of any effort by Ms. Kimble or her husband to contact her after the March 2016 phone call.

17. Ms. Kimble, through her new counsel, submitted a response to the USPTO's February 1, 2016 Office Action in which she sought to persuade the USPTO that her invention was conceived and reduced to practice prior to the Limber reference (January 2012). Ms. Kimble's evidence included her sworn declaration that starting in May 2011 she retained professional contractors to prepare drawings of her invention and produce a prototype. She would not have been required to present this evidence, or incur additional

attorney's fees related to the Limber issue, had Respondent filed the Non-Provisional Patent Application in August 2011.

18. The USPTO issued a Notice of Allowance on August 24, 2016. On January 3, 2017, it granted a patent to Ms. Kimble for her iPhone case.

19. Bar counsel sent Respondent an initial screening investigation letter on April 11, 2016, seeking Respondent's response to Ms. Kimble's charge. Respondent did not respond.

20. Bar counsel sent a reminder letter to Respondent by mail and email on May 9, 2016; Respondent did not respond to those communications, either.

21. On June 1, 2016, bar counsel left a voice mail for Respondent to call back, but she did not do so.

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 Rule 42, ERs 1.3, 1.4, and 8.1(b); and Rule 54(d).

CONDITIONAL DISMISSALS

The State Bar conditionally agrees to dismiss the charged violations of ERs 1.5(a) (reasonable fees) and 8.4(c). Respondent failed to respond to the State Bar's request for information during its screening investigation. Therefore, the evidence presented to the Attorney Discipline Probable Cause Committee ("ADPCC") that Respondent charged Complainant excessive fees and deceived Complainant was unrebutted. Hence, it was appropriate for ADPCC to issue a probable cause order and for the State Bar to include the aforementioned violations in the formal complaint. After considering Respondent's answer, disclosure statement, and information provided at the settlement conference, bar counsel determined that the State Bar might not prove the two listed charges by clear and convincing evidence and agrees to their conditional dismissal.

RESTITUTION

Respondent has paid restitution of \$4,616.00.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Suspension for 90 days, and probation as described above. 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 duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly failed to maintain with the State Bar accurate information regarding her address, and working

email addresses, that rendered her incapable of receiving information from the bar and responding thereto. The parties agree further that Respondent engaged in a pattern of neglect in failing to attend to the needs of Complainant's legal matter.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual harm and potential serious harm to Respondent's client, and actual harm to the legal profession.

The parties agree that the following *Standards* are appropriate:

4.42(b) Suspension is generally appropriate when: . . . (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

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

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: Aggravating factors include:

- (a) prior disciplinary offenses;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (i) substantial experience in the practice of law;

In mitigation:

Standard 9.32: Mitigating factors include:

- (b) absence of a dishonest or selfish motive;
- (1) remorse: Respondent has written a letter of apology to Complainant and paid restitution to her of \$4,616.00. Supporting documentation is attached as Ex. B.

Discussion

The parties conditionally agree that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate and a greater or lesser sanction would not be appropriate. Had Complainant's patent application been denied due to Respondent's conduct such that the actual and potential harm to Complainant became serious actual harm, Respondent would have deserved a more severe sanction. 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.

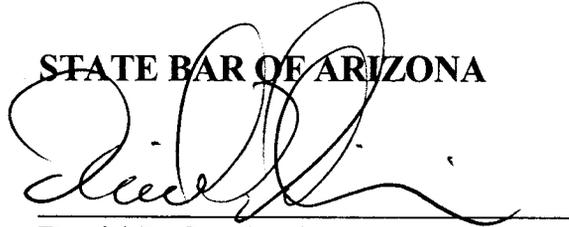
CONCLUSION

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 suspension for 90

days, probation as outlined above, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

DATED this 27th day of March 2017.

STATE BAR OF ARIZONA



David L. Sandweiss
Senior Bar Counsel

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

DATED this _____ day of March, 2017.

Gouri G. Nair
Respondent

DATED this _____ day of March, 2017.

Osborn Maledon PA

Geoffrey M. T. Sturr
Counsel for Respondent

days, probation as outlined above, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

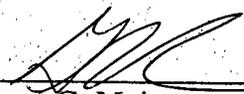
DATED this _____ day of March 2017.

STATE BAR OF ARIZONA

David L. Sandweiss
Senior Bar Counsel

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

DATED this 24th day of March, 2017.



Gouri G. Nair
Respondent

DATED this _____ day of March, 2017.

Osborn Maledon PA

Geoffrey M. T. Sturr
Counsel for Respondent

days, probation as outlined above, and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

DATED this _____ day of March 2017.

STATE BAR OF ARIZONA

David L. Sandweiss
Senior Bar Counsel

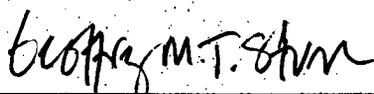
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property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

DATED this _____ day of March, 2017.

Gouri G. Nair
Respondent

DATED this 24th day of March, 2017.

Osborn Maledon PA



Geoffrey M. T. Sturr
Counsel for Respondent

Approved as to form and content

Maret Vessella

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 21st day of March, 2017.

Copy of the foregoing emailed
this 27th day of March, 2017, to:

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

Copy of the foregoing mailed/emailed
this 29th day of March, 2017, to:

Geoffrey M. T. Sturr
Osborn Maledon PA
2929 N. Central Ave., Ste. 2100
Phoenix, AZ 85012-2765
Email: gsturr@omlaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 27th day of March, 2017, to:

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

by: Jack Bohrer

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
Gouri G. Nair, Bar No. 024856, Respondent

File No. 16-1072

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

March 23, 2017

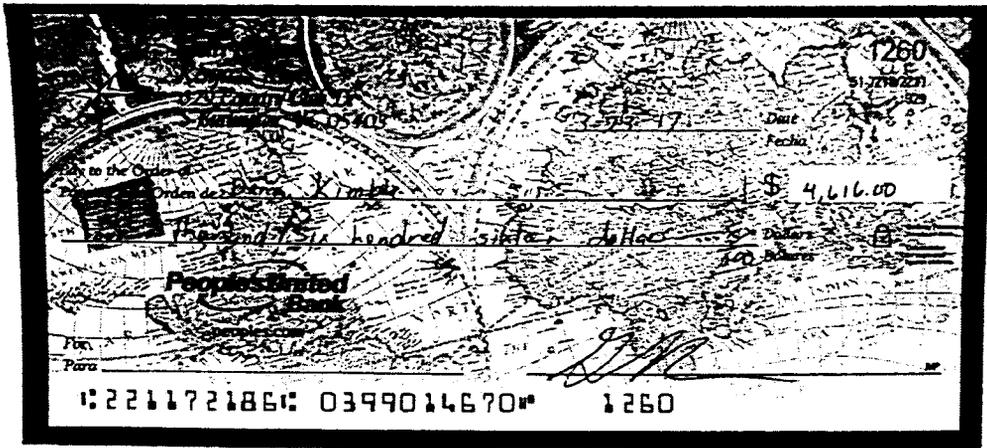
Dena & Ray Kimble
3931 N. Marlow Rd.
Apache Junction, AZ 85119

Dena and Ray,

I was deeply disappointed to learn through the complaint you filed with the State Bar that you were unhappy with the representation I provided and regret that I failed to meet your expectations. To end our relationship as positively as I can, I am enclosing a check in the amount of \$4,616.00, which I understand is the amount currently owed to the lawyer you hired to complete the patent application. I wish you well.

Thanking you,


Gouri Nair



⑆2211721861 0399014670⑈ 1260

EXHIBIT C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GOURI G. NAIR,
Bar No. 024856,

Respondent.

PDJ 2016-9123

**FINAL JUDGMENT AND
ORDER**

State Bar No. 16-1072

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

IT IS HEREBY ORDERED that Respondent, **Gouri G. Nair**, is hereby suspended for 90 days for violating the Arizona Rules of Professional Conduct as outlined in the consent documents, effective 30 days from the date of this order, or _____.

IT IS FURTHER ORDERED that, upon reinstatement, Respondent shall be placed on probation to participate with LOMAP for two years starting if and when Respondent returns to Arizona to practice law. Respondent does not live or practice law in Arizona currently; she must notify the State Bar in writing if and when she returns to Arizona to practice law.

WARNING RE: NON-COMPLIANCE WITH PROBATION

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

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

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

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

DATED this _____ day of March, 2017.

William J. O'Neil, Presiding Disciplinary Judge

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

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

Geoffrey M. T. Sturr
Osborn Maledon PA
2929 N. Central Ave., Ste. 2100
Phoenix, AZ 85012-2765
Email: gsturr@omlaw.com
Respondent's Counsel

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

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N 24th Street, Suite 100
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by: _____