

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

KATHY MCCOY O'QUINN,
Bar No. 021264

Respondent.

PDJ-2016-9104

**FINAL JUDGMENT AND
ORDER OF DISBARMENT**

[State Bar Nos. 16-0051, 16-0730,
16-1556]

FILED FEBRUARY 2, 2017

This matter having come before the Hearing Panel, it having duly rendered its decision; and no appeal having been filed and the time for appeal having passed, accordingly:

IT IS ORDERED Respondent, **KATHY MCCOY O'QUINN, Bar No. 021264**, is disbarred from the State Bar of Arizona and her name is stricken from the roll of lawyers effective January 10, 2017, as set forth in the Hearing Panel's Decision and Order Imposing Sanctions. Ms. O'Quinn is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the Court.

IT IS FURTHER ORDERED Ms. O'Quinn 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 Ms. O'Quinn shall pay restitution with interest at the legal rate until paid as follows:

\$5,000.00 to Jamie England

\$3,500.00 to Craig Schatz

IT IS FURTHER ORDERED Ms. O'Quinn shall pay the costs and expenses of the State Bar of Arizona totaling \$2,017.40 with interest at the legal rate until paid. 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 2nd day of February, 2017.

William J. O'Neil

William J. O'Neil
Presiding Disciplinary Judge

COPY of the foregoing e-mailed February 2, 2017, and mailed February 3, 2017, to:

Craig D. Henley
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Kathy McCoy O'Quinn
O'Quinn Law Office
4742 N. 24th Street, Suite 300-115
Phoenix, AZ 85016-9107
Email: kmoq@msn.com
Respondent

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**KATHY MCCOY O'QUINN,
Bar No. 021264**

Respondent.

PDJ 2016-9104

**DECISION AND ORDER IMPOSING
SANCTIONS**

[State Bar Nos. 16-0051, 16-0730 and
16-1556]

FILED JANUARY 10, 2017

On January 4, 2016, the Hearing Panel, comprised of Ralph J. Wexler, attorney member, Carole Kemps, public member, and the Presiding Disciplinary Judge (PDJ) William J. O'Neil, held an aggravation/mitigation hearing. Craig D. Henley appeared on behalf of the State Bar of Arizona. Ms. O'Quinn did not appear.

Although the allegations are deemed admitted by default, there has also been an independent determination by the Hearing Panel that the State Bar has proven by clear and convincing evidence that Ms. O'Quinn violated the ethical rules. The State Bar had witnesses available to testify telephonically and avowed their testimony is consistent with the allegations in the complaint. Forty-nine (49) exhibits were admitted to undergird the allegations. We find these establish by clear and convincing evidence the accuracy of the allegations within the complaint.

PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint on October 17, 2016. On October 19, 2016, the complaint was served on Ms. O'Quinn by certified, delivery

restricted mail, and by regular first class mail, pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge ("PDJ") was assigned to the matter. A notice of default was properly issued on November 15, 2016. Ms. O'Quinn filed no answer or otherwise defended against the complainant's allegations and default was effective on December 6, 2016. A notice of aggravation and mitigation hearing was sent to all parties notifying them the aggravation mitigating hearing was scheduled for January 4, 2017 at 2:00 p.m., at the State Courts Building, 1501 West Washington, Phoenix, Arizona 85007-3231.

A respondent against whom an effective default has been entered may not litigate the merits of the factual allegations, but retains the right to appear and participate in the hearing that will determine the sanctions. Included with that right to appear is the ability to testify and the right to cross-examine witnesses, in each instance only to establish facts related to aggravation and mitigation.

Bar Counsel avowed additional efforts were made to contact Ms. O'Quinn beyond those required under rule. Those efforts were outlined and included a bar representative going to her residential property, but she had already left her apartment. It had been abandoned and 111 client files were found at her apartment and in a dumpster. The bank was contacted where her trust account was held, but there was no forwarding address left by Ms. O'Quinn. There was \$29.00 in trust in her IOLTA account. Her law office had been rented space but was long abandoned. There was no forwarding address or other information as she was evicted from her office.

Ms. O'Quinn's prior disciplinary history is long. Exhibits 22-49 sets forth her history. She was a conditional admittee with alcohol issues.

FINDINGS OF FACT

The facts listed below are those set forth in the SBA's complaint and were deemed admitted by Ms. O'Quinn's default and independently reviewed by the Hearing Panel.

1. Ms. O'Quinn was a lawyer licensed to practice law in the State of Arizona having been first admitted on December 18, 2001.

COUNT ONE (File No. 16-0051/England)

2. On July 1, 2015, Jaime England ("England") hired Ms. O'Quinn to represent him in Maricopa County Superior Court case of *State v. England*, CR1999-015010.

3. The written representation agreement states the scope of representation included: a) the appeal of a prison disciplinary infraction, b) filing a special action with the Court of Appeals, and c) review and correct a purportedly inaccurate pretrial incarceration calculation in the underlying criminal case.

4. England paid Ms. O'Quinn Five Thousand Dollars (\$5,000.00) in advanced fees.

5. On August 10, 2015, Ms. O'Quinn filed a Notice of Appearance in the wrong Maricopa County Superior Court case.

6. To date, Ms. O'Quinn has taken no action to rectify this erroneous filing or file a Notice of Appearance in the correct case.

7. On October 23, 2015, Ms. O'Quinn filed a pleading entitled "Emergency Special Action Seeking Declaratory Plaintiff Seeks Declaratory, Injunctive, and Compensatory Relief and Costs and Request for Stay".

8. The pleading begins “[p]ursuant to Arizona Rules of Court for Special Action, by and through petitioner Jaime A England, In proper reason does formally motion this Honorable Pinal County Superior Court to accept jurisdiction in this special action writ of habeas corpus pursuant to A.R.S. 12-2001, 12-2002(A)(B)(C), 12-2003, 12-2006, 12-2021, 12-2028(A) and 12-2045 as set forth in the Arizona State Revised Statute.”¹

9. On November 9, 2015, the Court of Appeals dismissed the Special Action without prejudice solely due to Ms. O’Quinn’s failure to comply with Administrative Order 2012-0001.²

10. The order states that, “[d]espite numerous requests from court staff, petitioner has failed to file the required Contact Information Sheet.”

11. In response to the State Bar investigation, Ms. O’Quinn indicates that the dismissal was also due to a failure to pay a filing fee, but provided no support that a filing fee was due or that the Court dismissed the Special Action due to non-payment of a filing fee.

12. On or about December 15, 2015, Ms. O’Quinn received a verbal request from England to return the client file.

13. Despite the request, Ms. O’Quinn failed to return the client file or contact England or his family members.

14. On March 22, 2016, Ms. O’Quinn received a written request to return the client file and all original documents.

¹ The cited statutes deal exclusively with Writs of Certiorari and Writs of Mandamus.

² Administrative Order 2012-0001 requires that all Special Action petitions be accompanied by a Contact Information Sheet listing all parties to the special action as well as all counsel and contact information.

15. Despite the request, Ms. O'Quinn failed to return the client file or contact England or his family members.

16. On or about June 16, 2016, Ms. O'Quinn returned the client's file by courier.

17. On or about August 24, 2016, the State Bar received information that Ms. O'Quinn was evicted from her apartment and abandoned several client files.

18. Shortly thereafter, the State Bar's Conservatorship Coordinator located and took possession of the abandoned client files from Ms. O'Quinn's apartment and the apartment complex dumpster.

19. By engaging in the above-listed misconduct, Ms. O'Quinn violated the following ethical rules:

- a. Rule 42, Ariz. R. Sup. Ct., ER 1.2 – Ms. O'Quinn failed to abide by the requests and authority of the client;
- b. Rule 42, Ariz. R. Sup. Ct., ER 1.3 – Ms. O'Quinn failed to act diligently during the representation;
- c. Rule 42, Ariz. R. Sup. Ct., ER 1.4 – Ms. O'Quinn failed to reasonably communicate with her client during the representation;
- d. Rule 42, Ariz. R. Sup. Ct., ER 1.5 – Ms. O'Quinn charged an unreasonable fee for the representation;
- e. Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) – Ms. O'Quinn failed to return the client file and documents following the termination of the representation;
- f. Rule 42, Ariz. R. Sup. Ct., ER 3.2 – Ms. O'Quinn failed to expedite the litigation during the representation;
- g. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Ms. O'Quinn engaged in conduct prejudicial to the administration of justice.

COUNT TWO (File No. 16-0730/Judicial Referral)

20. In or around April 2014, Ms. O'Quinn was retained to represent Walter Lee Brooks ("Brooks") in the Maricopa County Superior Court cases of *State v. Brooks*, CR2014-001491 and CR2014-002787.

21. In or around December 2014, Ms. O'Quinn was retained to represent Edgar Allan White, Jr. ("White") in Maricopa County Superior Court case of *State v. White*, CR2014-002787.

22. The cases involved various drug and gang related allegations against multiple defendants because of a law enforcement initiative named "Operation Southland".

23. The "Operation Southland" defendants were represented by approximately 20 attorneys and most of the attorneys agreed to attend monthly strategy meetings to present a united front against the State. The attorneys also frequently provided coverage for each other at non-substantive hearings.

24. While the allegations in the criminal case CR2014-002787 were against both Brooks and White, the allegations were similar, but unrelated, and involved 15 other named defendants.

25. In October 2015, Brooks unsuccessfully requested that the Court remove Ms. O'Quinn from his cases due to perceived inaction by Ms. O'Quinn and a lack of communication.

26. On December 7, 2015, the Court scheduled an oral argument on the State's Motion for Protective Order to occur on February 5, 2016.

27. On February 5, 2016, Ms. O'Quinn failed to appear at the oral argument and no attorney provided coverage. The Court called and emailed Ms. O'Quinn, to no avail.

28. Brooks renewed his request that Ms. O'Quinn be removed from his cases. The Court granted the request and appointed the Office of Public Defense Services.

29. White also requested that Ms. O'Quinn be removed from his case. The Court granted the request and appointed the Office of Public Defense Services.

30. The Court scheduled Order to Show Cause hearings in all three cases and ordered Ms. O'Quinn to appear on February 23, 2016.

31. On February 23, 2016, Ms. O'Quinn failed to appear at the Order to Show Cause hearings.

32. On or about August 24, 2016, the State Bar received information that Ms. O'Quinn was evicted from her apartment and abandoned several client files.

33. Shortly thereafter, the State Bar's Conservatorship Coordinator located and took possession of the abandoned client files from Ms. O'Quinn's apartment and the apartment complex dumpster.

34. By engaging in the misconduct described above, Ms. O'Quinn violated:

- a. Rule 42, Ariz. R. Sup. Ct., ER 1.2 – Ms. O'Quinn failed to abide by the requests and authority of the client;
- b. Rule 42, Ariz. R. Sup. Ct., ER 1.3 – Ms. O'Quinn failed to act diligently during the representation;
- c. Rule 42, Ariz. R. Sup. Ct., ER 1.4 – Ms. O'Quinn failed to reasonably communicate with her client during the representation;
- d. Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) – Ms. O'Quinn failed to return the client file and documents following the termination of the representation;

- e. Rule 42, Ariz. R. Sup. Ct., ER 3.2 – Ms. O’Quinn failed to expedite the litigation;
- f. Rule 42, Ariz. R. Sup. Ct., ER 3.4(c) – Ms. O’Quinn knowingly disobey an obligation under the rules of a tribunal;
- g. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Ms. O’Quinn engaged in conduct prejudicial to the administration of justice;
- h. Rule 54(c) – Ms. O’Quinn knowingly violated a rule or order of the court.

COUNT THREE (File No. 16-1556/Schatz)

35. On July 28, 2015, Ms. O’Quinn mailed Craig Schatz (“Schatz”) a confirmatory writing for anticipated legal services “to clean up you (sic) driving records, in multiple states. You believe you have pending charges in Arizona, Colorado, and Washington.”

36. On August 19, 2015, Schatz paid the required \$3,500.00 payment, which was to be placed in Ms. O’Quinn’s trust account.

37. Despite numerous attempts by Schatz and his mother to contact Ms. O’Quinn regarding the status of the purported legal services, neither Schatz nor his mother were able to contact Ms. O’Quinn.

38. In or around October 2015, Schatz and his mother requested that Ms. O’Quinn cease any purported work and refund any unearned fees.

39. On December 12, 2015, Ms. O’Quinn contacted Schatz’s mother and informed her she would refund no fees.

40. Despite repeated requests to account for the fees purported incurred and to return the client file, Ms. O’Quinn has failed to contact Schatz or his mother.

41. A review of the online Arizona Courts public records indicates that Ms. O'Quinn did not appear or file any documents in any of Schatz's active or completed cases.

42. On July 22, 2016, the State Bar mailed Ms. O'Quinn an initial screening letter requesting Ms. O'Quinn respond within twenty days of the letter. The letter also stated that failing to cooperate and fully and honestly respond to the screening letter violated Rule 42, *Ariz. R. Sup. Ct.*, ER 8.1(b) and Rule 54(d) and would cause discipline by the State Bar.

43. On August 17, 2016, the State Bar investigator contacted Debbie Van Dyk, the general manager of the building leasing office space to Ms. O'Quinn. Ms. Van Dyk confirmed that Ms. O'Quinn leases the office location, but that she is usually there on an appointment-only basis.

44. While the State Bar sent emails to all known email addresses for Ms. O'Quinn, the emails were all returned undeliverable. All of the phone numbers for Ms. O'Quinn were disconnected or the mailbox was full.

45. On August 18, 2016, the State Bar mailed Ms. O'Quinn a second letter requesting that Ms. O'Quinn respond within ten days of the letter. The letter again stated that failing to cooperate and fully and honestly respond would cause discipline by the State Bar.

46. To date, Ms. O'Quinn has not contacted the State Bar.

47. On August 23, 2016, the State Bar Conservatorship Coordinator provided information that Ms. O'Quinn was evicted from her townhouse and left behind eleven boxes of files on her patio. The landlord reports he covered the boxes for protection

from the elements pending the State Bar's retrieval. The landlord also indicated that Ms. O'Quinn abandoned all her furniture and two cats.

48. On August 24, 2016, the Arizona Bar Foundation Senior Director of Finance confirmed through US Bank that, as of July 2016, Ms. O'Quinn's IOLTA bank account had a balance of \$29.00.

49. By engaging in the above-listed misconduct, Ms. O'Quinn violated the following ethical rules:

- a. Rule 42, Ariz. R. Sup. Ct., ER 1.2 – Ms. O'Quinn failed to abide by the requests and authority of the client;
- b. Rule 42, Ariz. R. Sup. Ct., ER 1.3 – Ms. O'Quinn failed to act diligently during the representation;
- c. Rule 42, Ariz. R. Sup. Ct., ER 1.4 – Ms. O'Quinn failed to reasonably communicate with her client during the representation;
- d. Rule 42, Ariz. R. Sup. Ct., ER 1.5 – Ms. O'Quinn charged an unreasonable fee for the representation;
- i. Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) – Ms. O'Quinn failed to return the client file and documents following the termination of the representation;
- j. Rule 42, Ariz. R. Sup. Ct., ER 3.2 – Ms. O'Quinn failed to expedite the litigation;
- k. Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) – Ms. O'Quinn knowingly failed to respond to a lawful demand for information from the disciplinary authority;
- l. Rule 42, Ariz. R. Sup. Ct., ER 8.4(b) – Ms. O'Quinn committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;
- m. Rule 42, Ariz. R. Sup. Ct., ER 8.4(c) – Ms. O'Quinn engaged in conduct involving dishonesty, fraud, deceit or misrepresentation;
- n. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Ms. O'Quinn engaged in conduct prejudicial to the administration of justice;

- o. Rule 54(d) – Ms. O’Quinn failed to furnish information requested from the State Bar

CONCLUSIONS OF LAW

Ms. O’Quinn 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 Rule 58(d), Ariz. R. Sup. Ct. Based upon the facts deemed admitted and an independent review, the Hearing Panel finds by clear and convincing evidence that Ms. O’Quinn violated:

Count One: Rule 42, Ariz. R. Sup. Ct., specifically E.R.s 1.2, 1.3, 1.4, 1.5, 1.16(d), 3.2 and 8.4(d).

Count Two: Rule 42, Ariz. R. Sup. Ct., specifically E.R.s 1.2, 1.3, 1.4, 1.16(d), 3.2, 3.4(c), 8.4(d) and Rule 54(c), Ariz. R. Sup. Ct.

Count Three: Rule 42, Ariz. R. Sup. Ct., specifically E.R.s 1.2, 1.3, 1.4, 1.5, 1.16(d), 3.2, 8.1(b), 8.4(b)(c)(d) and Rule 54(d), Ariz. R. Sup. Ct.

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:

Ms. O’Quinn violated her duty to her clients by violating E.R.s 1.2, 1.3, 1.4, 1.5 and 1.16(d). Ms. O’Quinn violated her duty to the legal system by violating E.R.s 3.2

and 3.4(c). Ms. O'Quinn also violated her duty owed as a professional by violating E.R.s 8.1(b) and 8.4(b)(c)(d), and Rule 54(c) and (d).

Mental State and Injury:

Ms. O'Quinn violated her duty to clients, implicating *Standard 4.4*. *Standard 4.41* states:

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client;
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

Ms. O'Quinn abandoned the practice, knowingly failed to perform services for clients and engaged in a pattern of neglect of client matters, all which caused serious or potentially serious injury to clients. Therefore, *Standard 4.41* applies.

Ms. O'Quinn also violated her duty owed as a professional, which implicates *Standard 7.0*.

Standard 7.1 states:

Disbarment is generally appropriate when a lawyer knowingly engages in conduct that violates a duty owed as a professional intending to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

We find Ms. O'Quinn has left the State of Arizona and failed to substantively respond to the SBA's investigation. Ms. O'Quinn's actions were taken intending to obtain a personal benefit and benefitted her to the detriment of her clients. *Standard 7.1*, Disbarment, therefore 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:
 - a. SB 08-0053 (06-1945) [2008]: Ms. O’Quinn was suspended for six months for violations of Rules 31, 53(c) and 72, Ariz. R. Sup. Ct.
 - b. SB 07-0060 (05-1111) [2007]: Ms. O’Quinn was suspended for six months to run concurrently with SB 06-0122 for violations of Rule 42, Ariz. R. Sup. Ct., ER 1.15, 8.1(b), 8.4(d) and Rules 43, 44 and 53(d) and (f).
 - c. SB 06-0122 (03-1645, 04-1625, 04-1831, 04-1988) [2006]: Ms. O’Quinn was suspended for six months and one day for violations of Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4, 1.15(a), 3.1, 3.2, 8.1(b), 8.4(d) and Rules 43(a) and (d), 44(b) and 54(c).
 - d. SB 04-0680 [2004]: Ms. O’Quinn received an informal reprimand for violations of Rule 42, Ariz. R. Sup. Ct., ER 1.8
 - e. SB 04-0008 [2004]: Ms. O’Quinn received an informal reprimand for violations of Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4 and 3.2.
 - f. SB 02-1709 [2003]: Ms. O’Quinn received an informal reprimand for violations of Rule 42, Ariz. R. Sup. Ct., ER 1.15(a) and Rule 44
- *Standard 9.22(b)* – Dishonest or Selfish Motive.
- *Standard 9.22(c)* – Pattern of Misconduct.
- *Standard 9.22(d)* – Multiple Offenses.

The Hearing Panel finds that no mitigating factors are present.

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 and 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. Disbarring **Kathy McCoy O'Quinn, Bar No. 021264**, from the practice of law effective immediately.
2. Ms. O'Quinn shall pay the following in restitution:
 - a. **Count One:** \$5,000.00 to Jaime England;
 - b. **Count Three:** \$3,500.00 to Craig Schatz.
3. Ms. O'Quinn shall pay all costs and expenses incurred by the SBA. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in this proceeding.

A final judgment and order shall follow.

DATED this 10th day of January 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Carole Kemps

Carole Kemps, Volunteer Public Member

Ralph J. Wexler

Ralph J. Wexler, Volunteer Attorney Member

Copy of the foregoing e-mailed
this 10th day of January, 2017, and
mailed January 11, 2017, to:

Kathy McCoy O'Quinn
O'Quinn Law, PC
4742 N. 24th Street, Suite 300-115
Phoenix, Arizona 85016-9107
Email: kmoq@msn.com
Respondent

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

by: AMcQueen

Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7272
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

OCT 17 2016

FILED
BY 

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**KATHY MCCOY O'QUINN,
Bar No. 021264,**

Respondent.

PDJ 2016-9104

COMPLAINT

[State Bar File Nos. 16-0051, 16-0730
and 16-1556]

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 on December 18, 2001.

COUNT ONE (File No. 16-0051/England)

2. On July 1, 2015, Jaime England (hereinafter referred to as "England") hired Respondent to represent him in the Maricopa County Superior Court case of *State v. England*, CR1999-015010.

3. The written representation agreement indicates that the scope of representation included: a) the appeal of a prison disciplinary infraction, b) filing a special action with the Court of Appeals, and c) review and correct a purportedly inaccurate pretrial incarceration calculation in the underlying criminal case.

4. England paid Respondent Five Thousand Dollars (\$5,000.00) in advanced fees.

5. On August 10, 2015, Respondent filed a Notice of Appearance in the wrong Maricopa County Superior Court case.

6. To date, Respondent has taken no action to rectify this erroneous filing or file a Notice of Appearance in the correct case.

7. On October 23, 2015, Respondent filed a pleading entitled "Emergency Special Action Seeking Declaratory Plaintiff Seeks Declaratory, Injunctive, and Compensatory Relief and Costs and Request for Stay".

8. The pleading begins "[p]ursuant to Arizona Rules of Court for Special Action, by and through petitioner Jaime A England, In proper reason does formally motion this Honorable Pinal County Superior Court to accept jurisdiction in this special action writ of habeas corpus pursuant to A.R.S. 12-2001, 12-2002(A)(B)(C), 12-2003, 12-2006, 12-2021, 12-2028(A) and 12-2045 as set forth in the Arizona State Revised Statute."¹

9. On November 9, 2015, the Court of Appeals dismissed the Special Action without prejudice solely due to Respondent's failure to comply with Administrative Order 2012-0001.²

10. The order states, in pertinent part, "[d]espite numerous requests from court staff, petitioner has failed to file the required Contact Information Sheet."

¹ The cited statutes deal exclusively with Writs of Certiorari and Writs of Mandamus.

² Administrative Order 2012-0001 requires that all Special Action petitions be accompanied by a Contact Information Sheet listing all parties to the special action as well as all counsel and contact information.

11. In response to the State Bar investigation, Respondent indicates that the dismissal was also due to a failure to pay a filing fee, but fails to provide any support that a filing fee was due or that the Court dismissed the Special Action due to non-payment of a filing fee.

12. On or about December 15, 2015, Respondent received a verbal request from England to return the client file.

13. Despite the request, Respondent failed to return the client file or contact England or his family members.

14. On March 22, 2016, Respondent received a written request to return the client file and all original documents.

15. Despite the request, Respondent failed to return the client file or contact England or his family members.

16. On or about June 16, 2016, Respondent returned the client's file by courier.

17. On or about August 24, 2016, the State Bar received information that Respondent was evicted from her apartment and abandoned several client files.

18. Shortly thereafter, the State Bar's Conservatorship Coordinator located and took possession of the abandoned client files from Respondent's apartment and the apartment complex dumpster.

19. By engaging in the misconduct described above, Respondent violated:
- a. Rule 42, Ariz. R. Sup. Ct., ER 1.2 – Respondent failed to abide by the requests and authority of the client;
 - b. Rule 42, Ariz. R. Sup. Ct., ER 1.3 – Respondent failed to act diligently during the representation;

- c. Rule 42, Ariz. R. Sup. Ct., ER 1.4 – Respondent failed to reasonably communicate with her client during the representation;
- d. Rule 42, Ariz. R. Sup. Ct., ER 1.5 – Respondent charged an unreasonable fee for the representation;
- e. Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) – Respondent failed to return the client file and documents following the termination of the representation;
- f. Rule 42, Ariz. R. Sup. Ct., ER 3.2 – Respondent failed to expedite the litigation during the representation;
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23. The "Operation Southland" defendants were represented by approximately 20 attorneys and most of the attorneys agreed to attend monthly strategy meetings in order to present a united front against the State. The attorneys also frequently provided coverage for each other at non-substantive hearings.

24. While the allegations in the criminal case CR2014-002787 were against both Brooks and White, the allegations were similar, but unrelated, and involved 15 other named defendants.

25. In October 2015, Brooks unsuccessfully requested that the Court remove Respondent from his cases due to perceived inaction by Respondent and a lack of communication.

26. On December 7, 2015, the Court scheduled an oral argument on the State's Motion for Protective Order to occur on February 5, 2016.

27. On February 5, 2016, Respondent failed to appear at the oral argument and no attorney provided coverage. The Court called and emailed Respondent, to no avail.

28. Brooks renewed his request that Respondent be removed from his cases. The Court granted the request and appointed the Office of Public Defense Services.

29. White also requested that Respondent be removed from his case. The Court granted the request and appointed the Office of Public Defense Services.

30. The Court scheduled Order to Show Cause hearings in all three cases and ordered Respondent to appear on February 23, 2016.

31. On February 23, 2016, Respondent failed to appear at the Order to Show Cause hearings.

32. On or about August 24, 2016, the State Bar received information that Respondent was evicted from her apartment and abandoned several client files.

33. Shortly thereafter, the State Bar's Conservatorship Coordinator located and took possession of the abandoned client files from Respondent's apartment and the apartment complex dumpster.

34. By engaging in the misconduct described above, Respondent violated:

- a. Rule 42, Ariz. R. Sup. Ct., ER 1.2 – Respondent failed to abide by the requests and authority of the client;
- b. Rule 42, Ariz. R. Sup. Ct., ER 1.3 – Respondent failed to act diligently during the representation;
- c. Rule 42, Ariz. R. Sup. Ct., ER 1.4 – Respondent failed to reasonably communicate with her client during the representation;
- d. Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) – Respondent failed to return the client file and documents following the termination of the representation;
- e. Rule 42, Ariz. R. Sup. Ct., ER 3.2 – Respondent failed to expedite the litigation;
- f. Rule 42, Ariz. R. Sup. Ct., ER 3.4(c) – Respondent knowingly disobey an obligation under the rules of a tribunal;
- g. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Respondent engaged in conduct prejudicial to the administration of justice;
- h. Rule 54(c) – Respondent knowingly violated a rule or order of the court.

COUNT THREE (File No. 16-1556/Schatz)

35. On July 28, 2015, Respondent mailed Craig Schatz (hereinafter referred to as "Schatz") a confirmatory writing for anticipated legal services "to clean up you (sic) driving records, in multiple states. You believe you have pending charges in Arizona, Colorado, and Washington."

36. On August 19, 2015, Schatz paid the required \$3,500.00 payment, which was to be placed in Respondent's trust account.

37. Despite numerous attempts by Schatz and his mother to contact Respondent regarding the status of the purported legal services, neither Schatz nor his mother were able to contact Respondent.

38. In or around October 2015, Schatz and his mother began requesting that Respondent cease any purported work and refund any unearned fees.

39. On December 12, 2015, Respondent contacted Schatz's mother and informed her that she would not refund any fees.

40. Despite repeated requests to account for the fees purported incurred and to return the client file, Respondent has failed to contact Schatz or his mother.

41. A review of the online Arizona Courts public records indicates that Respondent did not appear or file any documents in any of Schatz's active or completed cases.

42. On July 22, 2016, the State Bar mailed Respondent a initial screening letter requesting that Respondent provide a written response within twenty days of the letter. The letter also stated that failing to cooperate and fully and honestly respond to the screening letter was a violation of Rule 42, *Ariz. R. Sup. Ct.*, ER 8.1(b) and Rule 54(d) and would result in discipline by the State Bar.

43. On August 17, 2016, the State Bar investigator contacted Debbie Van Dyk, the general manager of the building leasing office space to Respondent. Ms. Van Dyk confirmed that Respondent leases the office location, but that she is usually there on an appointment-only basis.

44. While the State Bar sent emails to all known email addresses for Respondent, the emails were all returned undeliverable. All of the phone numbers for Respondent were either disconnected or the mailbox was full.

45. On August 18, 2016, the State Bar mailed Respondent a second letter requesting that Respondent provide a written response within ten days of the letter. The letter again stated that failing to cooperate and fully and honestly respond would result in discipline by the State Bar.

46. To date, Respondent has not contacted the State Bar in any way.

47. On August 23, 2016, the State Bar Conservatorship Coordinator provided information that Respondent was evicted from her townhouse and left behind eleven boxes of files on her patio. The landlord reports that he covered the boxes for protection from the elements pending the State Bar's retrieval. The landlord also indicated that Respondent abandoned all her furniture and two cats.

48. On August 24, 2016, the Arizona Bar Foundation Senior Director of Finance confirmed through US Bank that, as of July 2016, Respondent's IOLTA bank account had a balance of \$29.00.

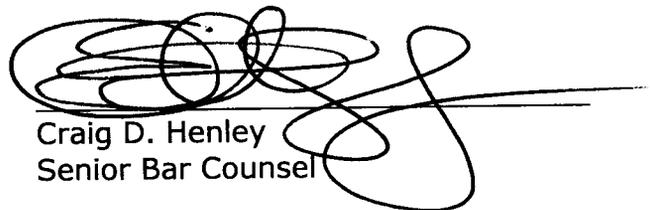
49. By engaging in the misconduct described above, Respondent violated:

- a. Rule 42, Ariz. R. Sup. Ct., ER 1.2 – Respondent failed to abide by the requests and authority of the client;
- b. Rule 42, Ariz. R. Sup. Ct., ER 1.3 – Respondent failed to act diligently during the representation;
- c. Rule 42, Ariz. R. Sup. Ct., ER 1.4 – Respondent failed to reasonably communicate with her client during the representation;
- d. Rule 42, Ariz. R. Sup. Ct., ER 1.5 – Respondent charged an unreasonable fee for the representation;

- i. Rule 42, Ariz. R. Sup. Ct., ER 1.16(d) – Respondent failed to return the client file and documents following the termination of the representation;
- j. Rule 42, Ariz. R. Sup. Ct., ER 3.2 – Respondent failed to expedite the litigation;
- k. Rule 42, Ariz. R. Sup. Ct., ER 8.1(b) – Respondent knowingly failed to respond to a lawful demand for information from the disciplinary authority;
- l. Rule 42, Ariz. R. Sup. Ct., ER 8.4(b) – Respondent committed a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer;
- m. Rule 42, Ariz. R. Sup. Ct., ER 8.4(c) – Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation;
- n. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Respondent engaged in conduct prejudicial to the administration of justice;
- o. Rule 54(d) – Respondent failed to furnish information requested from the State Bar.

DATED this 17TH day of October, 2016.

STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 17TH day of October, 2016.

by: Jalene Stone
CDH/ts

FILED

SEP 28 2016

BY 

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

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

**KATHY MCCOY O'QUINN,
Bar No. 021264,**

Respondent.

No. 16-0730

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 9, 2016, 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 6-0-3¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-0730.

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 28 day of September, 2016.



Daisy Flores, Vice Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

¹ Committee members Judge Lawrence F. Winthrop, Charles J. Muchmore and Karen E. Osborne did not participate in this matter.

Original filed this 28th day
of September, 2016, with:

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

Copy mailed this 29th day
of September, 2016, to:

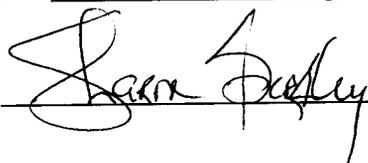
Kathy McCoy O'Quinn
O'Quinn Law, PC
4742 N. 24th Street, Suite 300-115
Phoenix, Arizona 85016-9107
Respondent

Copy emailed this 29th day
of September, 2016, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 W. Washington Street, Suite 104
Phoenix, Arizona 85007
Email: ProbableCauseComm@courts.az.gov

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

by:



FILED

SEP 28 2016

BY *D. Flores*

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

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

**KATHY MCCOY O'QUINN,
Bar No. 021264,**

Respondent.

No. 16-0051

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 9, 2016, 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 6-0-3¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-0051.

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 28 day of September, 2016.

Daisy Flores

Daisy Flores, Vice Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

¹ Committee members Judge Lawrence F. Winthrop, Charles J. Muchmore and Karen E. Osborne did not participate in this matter.

Original filed this 28th day
of September, 2016, with:

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

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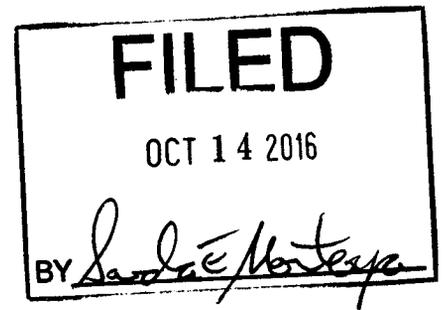
Kathy McCoy O'Quinn
O'Quinn Law, PC
4742 N. 24th Street, Suite 300-115
Phoenix, Arizona 85016-9107
Respondent

Copy emailed this 29th day
of September, 2016, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 W. Washington Street, Suite 104
Phoenix, Arizona 85007
Email: ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: YRO@staff.azbar.org

by: Joan Feeley



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

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

**KATHY MCCOY O'QUINN,
Bar No. 021264,**

Respondent.

No. 16-1556

PROBABLE CAUSE ORDER

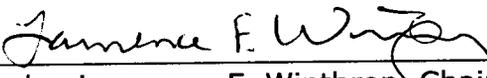
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on October 14, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-1556.

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 14 day of October, 2016.



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

Original filed this 14th day
of October, 2016, with:

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

Copy mailed this 14th day
of October, 2016, to:

Kathy McCoy O'Quinn
O'Quinn Law, PC
4742 N. 24th Street, Suite 300-115
Phoenix, Arizona 85016-9107
Respondent

Copy emailed this 14th day
of October, 2016, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 W. Washington Street, Suite 104
Phoenix, Arizona 85007
Email: ProbableCauseComm@courts.az.gov

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

by: Jalene Stone