

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

RICK D. POSTER,
Bar No. 018115

Respondent.

PDJ-2017-9034

**FINAL JUDGMENT AND
ORDER**

[State Bar File Nos. 16-0310 &
16-1013]

FILED APRIL 3, 2017

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on March 17, 2017, under Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **RICK D. POSTER, Bar No. 018115** is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, and placed on probation for a period of eighteen (18) months for his 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 as a term of probation, Mr. Poster shall complete the CLE "10 Deadly Sins of Conflict" and three (3) additional hours of

CLE focused on conflict of interest. Mr. Poster shall take notes and provide said notes as proof of completion to the State Bar Compliance Monitor.

IT IS FURTHER ORDERED Mr. Poster shall participate in the State Bar's Law Office Management Assistance Program (LOMAP) and shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 (ten) days from the date of this order. Mr. Poster shall submit to a LOMAP examination of his office procedures. Mr. Poster shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Mr. Poster shall be responsible for any costs associated with LOMAP.

IT IS FURTHER ORDERED Mr. Poster shall pay restitution in the amount of \$5,000.00 to Robert White, within ninety (90) days from the date of this order.

IT IS FURTHER ORDERED Mr. Poster shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,203.30, 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 3rd day of April, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

///

Copies of the foregoing mailed/e-mailed
this 3rd day of April, 2017, to:

Bradley Perry
Hunter Perlmeter
Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Rick Poster
11024 N. 28th Drive Suite 200
Phoenix, AZ 85029
Email: rick@posterlaw.com
Respondent

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

RICK D. POSTER,
Bar No. 018115

Respondent.

No. PDJ-2017-9034

**DECISION AND ORDER
ACCEPTING DISCIPLINE
BY CONSENT**

[State Bar File Nos. 16-0310 &
16-1013]

FILED APRIL 3, 2017

A Probable Cause Order issued on December 28, 2016. An Agreement for Discipline by Consent (Agreement) was filed on March 17, 2017, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court. The Agreement was reached before the authorization to file a formal complaint. Upon filing such Agreement, the presiding disciplinary judge, “shall accept, reject or recommend modification of the agreement as appropriate”.

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.

Under Rule 53(b)(3), notice of the agreement was provided to the complainant(s) by letter on March 16, 2017. They were notified of their opportunity to file a written objection to the agreement. No objections have been received.

The Agreement details a factual basis for the admissions to the charge in the Agreement. In Count One, Mr. Poster represented a client in a civil forfeiture matter involving allegations of money laundering and the sale/transportation of drugs while employed as a delivery person. Thereafter, Mr. Poster failed to adequately communicate with and diligently represent his client. Mr. Poster further failed to provide a formal response to requests for admissions regarding the property at issue and failed to file a response to the motion for summary judgment.

In Count Two, Mr. Poster was hired to represent a confidential informant. Upon review of disclosure material, Mr. Poster became aware that a former client was mentioned in the police reports. Mr. Poster and the prosecutor discussed the potential conflict of interest. Mr. Poster took no action and the prosecutor was forced to file a motion to determine counsel. Mr. Poster disclosed a former client's status as a confidential informant to a lawyer representing a defendant who was arrested and criminally charged due to Respondent's former client's actions. This disclosure placed Mr. Poster's former client in a potentially dangerous position.

Mr. Poster conditionally admits his conduct violated Rule 42, ERs 1.2 (scope of representation), ER 1.3 (diligence), ER 1.4 (communication) ER 1.6

(confidentiality of information), 1.7 (conflict of interest/current clients), 1.9 (duties to former clients), and ER 8.4(d) (conduct prejudicial to the administration of justice).

The parties agree under Rule 57(a)(2)(E), that *Standard 4.42, Lack of Diligence*, of the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* is most applicable to Mr. Poster's misconduct in Count One and provides suspension is generally appropriate when:

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

Standard 4.22, Failure to Preserve the Client's Confidences is applicable to Mr. Poster's Misconduct in Count Two and provides suspension is generally appropriate when a lawyer knowingly reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client.

Mr. Poster knowingly failed to respond to the Government's request for admissions and knowingly disclosed confidential client information. Mr. Poster negligently failed to respond to the motion for summary judgment in Count One. Mr. Poster's misconduct in both counts caused potential harm.

The parties agree the following factors are present in aggravating: 9.22(a) prior disciplinary offenses and 9.22(d) multiple offenses. The parties further agree

that the following mitigating factors are present and justify a reduction in the presumptive sanction of suspension to reprimand: 9.32(b) absence of a dishonest or selfish motive, 9.32(c) personal or emotional problems (sealed Exhibit B), 9.32(d) timely good faith efforts to make restitution or rectify the consequences of misconduct, 9.32(g) character or reputation, and 9.32(l) remorse.

Upon review, the Presiding Disciplinary Judge finds the proposed sanctions of reprimand, 18 (eighteen) months of probation (LOMAP and CLE), \$5,000.00 restitution to Robert G. White within ninety (90) days, and the payment of costs totaling \$1,203.30 within thirty (30) days meets the objectives of attorney discipline.

Accordingly:

IT IS ORDERED the Agreement is therefore accepted.

IT IS FURTHER ORDERED incorporating the Agreement and any supporting documents by this reference. Costs as submitted are approved for \$1,203.30. Now therefore, a final judgment and order is signed this date. Mr. Poster is reprimanded.

DATED this 3rd day of April, 2017.

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

///

Copies of the foregoing mailed/mailed
this 3rd day of April, 2017 to:

Bradley Perry
Hunter Perlmeter
Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Rick Poster
11024 N. 28th Drive Suite 200
Phoenix, AZ 85029
Email: rick@posterlaw.com
Respondent

by: AMcQueen

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

MAR 17 2017

FILED

BY _____



Bradley F. Perry, Bar No. 025682
Hunter F. Perlmeter, Bar No. 024755
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7247
Email: LRO@staff.azbar.org

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**RICK D. POSTER,
Bar No. 018115,**

Respondent.

PDJ 2017 - 9034

State Bar File Nos. 16-0310, 16-1013

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Rick D. Poster, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. In Count 1, a probable cause order was entered on December 28, 2016, but no formal complaint has been filed in this matter. In Count 2, a probable cause order was entered on January 31, 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 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(s) by letter on March 16, 2017. Complainant(s) have 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 in Count 1, as set forth below, violated Rule 42, ERs 1.2, 1.3, 1.4 and 8.4(d). In Count 2, Respondent's conduct violated Rule 42, ERs 1.6, 1.7, 1.9, and 8.4(d). Upon acceptance of this Agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with Probation. 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.

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,

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on May, 17, 1997.

COUNT ONE (File No. 16-0310 / White)

2. Robert White was the defendant in *US v. Robert Gene White*, CR-11-01243-PHX-SRB, in which the government alleged Robert laundered money and sold and/or transported drugs through UPS while employed as a delivery person.

3. On June 28, 2012, Robert and Janelle Higginbotham hired Respondent to represent them “in connection with the civil forfeiture/claim with US gov’t/IRS for property listed on the notice of seizure for both Robert and Janelle.” Janelle was Robert’s girlfriend who claimed a property interest in some of the items seized during the criminal investigation.

4. On July 26, 2012, Respondent filed a Claim for Seized Property and Request for Release and Remission and Request for Judicial Determination on behalf of Robert and Janelle.

the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

5. On October 22, 2012, the Government initiated civil forfeiture proceedings in 2:12-CV-02258-DGC. Respondent filed an answer and verified claim for Robert and Janelle on November 26 and 27, 2012.

6. On January 8, 2013, Respondent filed a "Notice re: Service of Claimants' Initial Disclosure Statement" for Robert and Janelle.

7. On February 20, 2013, the Government filed a "Notice re: Service of Plaintiff's First Set of Non-Uniform Interrogatories and First Request for Production of Documents and Request for Admissions." Respondent and the Government agreed that the discovery responses would be provided no later than May 27, 2013.

8. On April 4, 2013, Robert was convicted at trial. The jury completed a special verdict form finding certain items of property were connected with Robert's criminal activity and therefore subject to forfeiture. Items not found to be connected to criminal activity included various guns and accessories, a 2005 Harley Davidson motorcycle, and a bag of collectable coins.

9. Prior to the disclosure deadline, Respondent met with Robert to discuss the case. Robert admitted to Respondent that the Harley Davidson was improved with money Robert earned during the timeframe of the alleged criminal conspiracy. Robert's confession created an ethical problem for Respondent regarding whether

he could submit Robert's answers to the requests for admissions in which Robert denied that the Harley Davidson was subject to forfeiture.

10. Robert also failed to provide Respondent any evidence that the remaining property at issue was not subject to forfeiture.

11. On May 27, 2013, Respondent provided the Government with a CD containing 1396 unorganized documents and handwritten notes regarding the request for admission from Janelle. Respondent believed this was the most appropriate way to try and comply with the deadline while not breaching his duty of candor regarding the Harley Davidson. Respondent did not provide a formal response to the requests for admissions for either Robert or Janelle regarding the remaining property at issue. On June 19, 2013, the Government filed a notice that both Robert and Janelle failed to provide responses to the requests for admissions.

12. On June 27, 2013, the Government filed a Motion for Summary Judgment claiming the admissions were deemed admitted due to Robert and Janelle's failure to timely answer. Respondent missed the deadline to file a response to the Motion for Summary Judgment.

13. On October 10, 2013, the Court granted the Government's Motion For Summary Judgment on the basis that the requests for admissions were deemed admitted.

14. On October 18, 2013, Respondent filed a Motion to Vacate Judgment on behalf of Janelle, claiming Janelle had a property right in some of the forfeited items and accepting blame for failing to file a response to the Motion for Summary Judgment. Respondent indicated he was in back-to-back trials and never received the minute entry setting a date for the response. Respondent asked the Court to find "excusable neglect" and stated that while "counsel does agree" that he should have responded in a timely fashion, "equitable principles" required the judgment be vacated.

15. The Court denied Respondent's motion.

16. Janelle and Robert lost their ability to pursue the items remaining contested in the forfeiture due to Respondent's lack of diligence.

COUNT TWO (File No. 16-1013 / Marshall)

17. In 2013, a confidential source (CS) began providing information to the DEA in a pending criminal investigation. CS hired Respondent to represent him in his capacity as an informant.

18. The DEA used information provided by CS to obtain search warrants for properties belonging to a man named Geoff Turner.

19. In April of 2015, the search warrants were used to seize large amounts of cash and drugs from Mr. Turner's properties.

20. After the items were seized, Mr. Turner hired Respondent in anticipation of charges being brought against him.

21. On August 11, 2015, Respondent appeared for Turner's arraignment. Respondent received a copy of discovery from the State. Upon reading through it, he noticed that a former client of his, (CS), was mentioned in the underlying police reports.

22. Respondent and the prosecutor discussed the potential conflict of interest presented by his prior representation of CS. The prosecutor suggested that Respondent withdraw and Respondent told the prosecutor he would look into it.

23. On August 24, 2015, Respondent filed a Notice of Defenses, Witnesses, and Exhibits, a Motion for discovery, and a Motion for Expert Services.

24. On August 25, 2015, the prosecutor emailed Respondent, "I saw that you filed a 15.2 and a motion to have an appointment at the county's expense in the Geoff Turner case. I take it from these motions then that you do not intend to

withdraw? If that's the case, just FYI that I need to file a motion to determine counsel."

25. Respondent responded the same day, "routine matters- just in case. Should have an answer by end of week."

26. Around the same time, Respondent began sharing office space with attorney Guy Brown. Respondent and Mr. Brown shared a phone number and secretary, as well as two paralegals.

27. Emails between the prosecutor and Mr. Brown's assistant during the pendency of Mr. Turner's case contained a postscript that included, "Guy Brown PLLC" and "Poster Law Firm PLLC." Respondent's website also stated, "Poster Law Firm is now teamed with Guy Brown, Attorneys."

28. On September 4, 2015, the prosecutor sent Respondent the following email:

I'm about to file my motion for determination of counsel and am asking for an expedited hearing. Though, I would encourage that you withdraw prior to the hearing. Perhaps you've been working on a waiver of the conflict with Geoff [defendant]. I don't see how a knowing waiver of the conflict can be made without exposing Geoff to your previous client's cooperation. Also, waiver of conflict, per the rules, must be accompanied by an affirmation by the attorney that they can effectively represent the client despite the conflict. Respectfully, I don't see an ethical

pathway for you to make that affirmation here. The case against Turner is largely dependent upon search warrants. The warrants were largely based upon information made by your former client who KC (DEA agent) represented as being reliable. I believe you would be almost entirely blocked from challenging the legitimacy of the search warrants as that would require you to essentially claim that your previous client was NOT reliable while you represented him. I believe you to be severely handicapped in plea negotiations as well. You've already pitched to me that you don't believe Turner to be the big fish. However, every representation from your previous client was that Turner is the big fish. Any other defense attorney could, should, and would make the argument to me that your former client was full of it. You're in a position where you can't make that argument. Let me know what you think.

29. That day, the prosecutor filed the motion to determine counsel.

30. Thereafter, Respondent informed the prosecutor that a new attorney would be taking over for him.

31. On September 10, 2015, Mr. Brown filed an expedited notice of substitution of counsel.

32. Also on September 10, 2015, Mr. Brown filed a Motion to Compel Disclosure of the CS. In that motion, Mr. Brown incorrectly indicated that he had participated in a phone conversation with the prosecutor during which the prosecutor identified the CS. Mr. Brown also indicated in the motion that he believed he had previously represented the CS, which is why disclosure was necessary. Brown,

however, had never had a phone conversation with the prosecutor regarding the matter and Mr. Brown had never represented CS.

33. The misstatements appeared in the filing because Mr. Brown used a motion that Respondent had originally prepared before withdrawing.

34. On September 23, 2015, after a pretrial conference, Mr. Brown stated to the prosecutor, "Rick Poster [Respondent] says that CS is the main guy," not the defendant. This statement caused the State to believe Respondent may have shared confidential information regarding CS that was contrary to the interests of CS, his former client.

35. Respondent's position is that he does not recall sharing information with Mr. Brown regarding the CS. Mr. Brown's position is that Mr. Poster shared such information with him.

36. On November 9, 2016, the Court denied Mr. Brown's Motion to Order Disclosure of the Confidential Informant.

37. On December 3, 2015, the prosecutor filed a motion detailing much of what is set forth above. The motion contained the following summary of the State's position:

It is now believed that current Defense Counsel is presently associating and working with Mr. Rick Poster

[Respondent] due to the fact that they share the same office address, their legal secretary lists both Guy Brown, PLLC and Poster Law Firm, PLLC in email signatures, contact information for Mr. Rick Poster is obtainable from current Defense Counsel's listed office, current Defense Counsel adopted and filed a motion initially drafted by Mr. Rick Poster, and the two attorneys have shared case-specific factual information with one another, despite Mr. Rick Poster's withdrawal as counsel for the Defendant.

38. On January 13, 2016, the court ordered "Mr. Brown shall have no contact with Mr. Poster whatsoever with respect to this case and the confidential information." Brown, however, was not removed from the case.

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 in Count 1 violated Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4 and 8.4(d). In Count 2, Respondent's conduct violated Rule 42, ERs 1.6, 1.7, 1.9, and 8.4(d).

RESTITUTION

Respondent shall pay restitution in the amount of \$5,000.00 to Robert White. The restitution shall be paid within ninety (90) days of the date of the Order accepting this Consent Agreement.

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: Respondent shall be reprimanded and shall be placed on probation for a period of 18 months, the terms of which shall include CLE 10 Deadly Sins of Conflict, three additional hours of CLE focusing on conflicts, and a full LOMAP evaluation.

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

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 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 for Count 1. Standard 4.42 states, "suspension is generally appropriate when a lawyer knowingly

fails to perform services for a client and causes injury or potential injury to a client.” Here, Respondent knowingly failed to respond to the Government’s requests for admission and negligently failed to respond to the Government’s motion for summary judgment. He filed a motion accepting blame for failing to file a response to the Motion for Summary Judgment, and indicated his failure to do so was because he had been in back-to-back trials and never received the minute entry setting a date for the response. Respondent’s actions caused Robert and Janet to lose their ability to challenge the Government’s claim of forfeiture.

The parties agree that Standard 4.22 is the appropriate standard for Count 2. Standard 4.22 states, “suspension is generally appropriate when a lawyer knowingly reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client.” Here, Respondent disclosed a former client’s status as a confidential informant to a lawyer representing a defendant who was arrested and criminally charged due to Respondent’s former client’s actions. Respondent’s disclosure placed his former client in a potentially dangerous position.

The duty violated

As described above, Respondent's conduct violated his duty to his clients in both Counts 1 and 2.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly failed to respond to the Government's requests for admissions and negligently failed to respond to the motion for summary judgment in Count 1. In Count 2, Respondent knowingly disclosed confidential client information. Respondent's conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm in Count 1 and potential harm in Count 2.

As to Count 1, Complainants did not provide Respondent with evidence to support their claim to property at issue in the forfeiture matter. After the government's Motion for Summary Judgment was granted, Complainants filed a legal malpractice action against Respondent related to the loss of their forfeiture claim. They were unable to produce to Respondent's insurance carrier's attorneys any evidence to support their claimed ownership of the property at issue in the

forfeiture claim, and their legal malpractice action was therefore dismissed for lack of prosecution. Although Respondent caused Complainants to lose the ability to challenge the forfeiture, in fact there is no evidence to suggest Robert and Janelle would have prevailed on their claims.

As to Count 2, there is no evidence showing that Respondent's breach of confidentiality had any actual impact on his former 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. Respondent was previously reprimanded in State Bar No. 11-3914 for making disparaging and unfounded comments about a judge and prosecutor.

Standard 9.22(d) – Multiple offenses.

In mitigation:

Standard 9.32(b) – Absence of a dishonest or selfish motive.

Standard 9.32(c) – Personal or emotional problems.

Count 1 and Count 2: During Respondent's representation of Robert White and Janelle Higginbotham, Respondent was experiencing severe personal problems, as described in Exhibit B.

Standard 9.32(d) – Timely good faith efforts to make restitution or rectify the consequences of misconduct.

Count 1: Respondent filed a motion to vacate judgment when he realized he missed the deadline by which to respond to the Government's motion for summary judgment. Respondent also referred Robert's claim to his insurance carrier who attempted to resolve the claim.

Count 2: Respondent moved to withdraw from representing the second client after realizing his first client was named as a Confidential Source (CS) and confirming whether the CS was the actual person named in the police report as Respondent had two clients with almost identical names.

Standard 9.32(g) – Character/Reputation

Counts 1 & 2: Respondent served his country in the U.S. Army Reserve as a military police officer and received an Army Commendation Medal for outstanding leadership. Respondent was honorably discharged and subsequently commissioned as an officer in the U.S. Army active duty. During his time in active

duty Respondent received the following medals/commendations: Best Infantry Leader, Army Parachute Badge, Army Achievement Medal, Army Commendation Medal, and the Army Service Ribbon. Since moving to Arizona in 1996 Respondent has been an active member of the community. *See Exhibit C* for documents in support of Respondent's character.

Standard 9.32(1) – Remorse

Respondent took responsibility for his conduct in Count 1. At the time of the events at issue in this matter, he filed a Motion to Vacate Judgment on behalf of his client, accepting blame for failing to file a response to the Motion for Summary Judgment.

Respondent also took steps to withdraw as soon as he realized which of the similarly named clients was the named CS in Count 2.

Respondent has described his remorse, in his own words, as follows:

It is with great sorrow and disappointment that I find myself in this situation. In hindsight, it is easy for me to see where things got out of control. By helping everyone else with their problems – not only clients but my family as well – I failed to recognize the extent to which my personal problems were affecting me and my practice. My problems continued to get worse as time went on because I was taking on more and more stress. As time went on I put more time into helping my family and personal relationships because they are the people I love.

It was only in the last few years that I began to struggle again under the stress I was experiencing. By placing my problems with stress and related issues in a low priority I caused more distress in the career I have worked so hard for, the obstacles I have overcome, and most importantly the family I love so dearly. I thought I had dealt with my own and my family's health and other personal issues appropriately, but it was only recently that I learned this was not the case. Now that I know how I got to this point, I am taking steps to correct the situation and keep it from happening again. With this new sense of awareness I am hopeful about my future, my career, and my family.

Counts 1 & 2: Respondent has taken steps to rectify the stress in his practice and family to prevent future occurrences.

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the mitigated sanction of a reprimand and probation is appropriate. This agreement was based on the following:

A reprimand and probation will adequately serve the goals of lawyer discipline. The sanction will protect the public by educating Respondent about conflicts of interest and by requiring Respondent to work with the State Bar to ensure he has sufficient internal controls to safeguard against missing deadlines in subsequent cases. The sanction is also sufficient to remind Respondent that he has important, ongoing duties to his clients that must be met no matter what is happening

in his personal life and whether he is currently representing the client or the client was formerly represented.

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

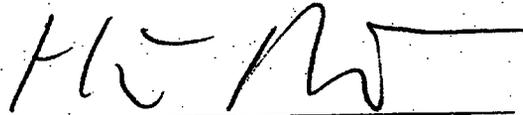
The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State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

DATED this 16 day of March 2017

STATE BAR OF ARIZONA



Bradley F. Perry
Staff Bar Counsel



Hunter F. Perlmeter
Staff Bar Counsel

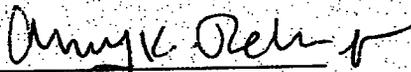
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 16th day of March, 2017.



Rick D. Poster
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 _____ day of March, 2017.

Copy of the foregoing emailed
this _____ 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



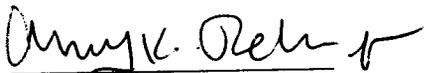
Hunter F. Perlmeter
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this _____ day of March, 2017.

Rick D. Poster
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 17th day of March, 2017.

Copy of the foregoing emailed
this 17th 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/mailed
this 17th day of March, 2017, to:

Rick Poster
11024 N. 28th Drive, Suite 200
Phoenix, Arizona 85029
rick@posterlaw.com

Copy of the foregoing hand-delivered
this 17th day of March, 2017, to:

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

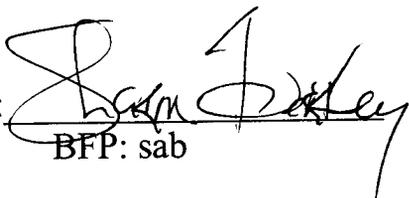
by: 
BFP: sab

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Rick D. Poster, Bar No. 018115, Respondent

File Nos. 16-0310 & 16-1013

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

10/05/16	Pacer Invoice	\$ 3.30
----------	---------------	---------

Total for staff investigator charges		\$ 3.30
--------------------------------------	--	---------

<u>TOTAL COSTS AND EXPENSES INCURRED</u>		<u>\$1,203.30</u>
---	--	--------------------------

EXHIBIT B
(SEALED)

EXHIBIT C

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
 REGISTER OF COPYRIGHTS
 United States of America

FORM TX
 For a Literary Work
 UNITED STATES COPYRIGHT OFFICE

REGI



EFFECTIVE DATE OF REGISTRATION

JAN - 5 1999

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

THE ARIZONA DUI TRIAL BOOK, A REFERENCE OF CASES AND OTHER MATERIAL

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

NAME OF AUTHOR ▼

RICK FOSTER

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
 Name of Country
USA
 OR
 Citizen of ▼
 Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
 Anonymous? Yes No
 Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
 Name of Country
 OR
 Citizen of ▼
 Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
 Anonymous? Yes No
 Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
 Name of Country
 OR
 Citizen of ▼
 Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
 Anonymous? Yes No
 Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided; give the employer's (or other person for whom the work was prepared) as "author" of that part, and leave the space for dates of birth and death blank.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
1998

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Month ▼ Day ▼ Year ▼

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

**RICK FOSTER
 301 W. JEFFERSON, SUITE 600
 PHOENIX, AZ 85003**

APPLICATION RECEIVED

JAN 05 1999

ONE DEPOSIT RECEIVED

JAN 05 1999

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-11) on the reverse side of this page.
 • See detailed instructions. • Sign the form at line 10.

DO NOT WRITE HERE
 Page 1 of 2 pages

EXAMINED BY DM FORM TX
 CHECKED BY _____
 CORRESPONDENCE FOR COPYRIGHT OFFICE USE ONLY
 Yes

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?
 Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box) **5**

a. This is the first published edition of a work previously registered in unpublished form.
 b. This is the first application submitted by this author as copyright claimant.
 c. This is a changed version of the work, as shown by space 6 on this application.
 If your answer is "Yes," give Previous Registration Number Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.
 a. **INCORPORATES PORTIONS OF ARIZONA DEPARTMENT OF HEALTH SERVICES REGULATIONS**
 b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. **6**
 See instructions before completing this space.

—space deleted— **7**

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY HANDICAPPED INDIVIDUALS A signature on this form at space 10 and a check in one of the boxes here in space 8 constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both. **8**

a Copies and Phonorecords b Copies Only c Phonorecords Only See instructions.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. **9**
 Name Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. **11**
 Name/Address/Apt./City/State/ZIP
RICK FOSTER / 301 W. JEFFERSON, SUITE 600 / PHOENIX / ARIZONA / 85003
 Area Code and Telephone Number **602-506-8586**
 Be sure to give your daytime phone number

CERTIFICATION I, the undersigned, hereby certify that I am the **10**
 Check only one author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of _____
 Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.
 Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.
RICK FOSTER Date **12-31-98**
 Handwritten signature

MAIL CERTIFICATE TO **11**
 Name **RICK FOSTER**
 Number/Street/Apt **301 W. JEFFERSON, SUITE 600**
 City/State/ZIP **PHOENIX, AZ 85003**
 * Complete all necessary spaces
 * Sign your application in space 10
 1. Application form
 2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
 3. Deposit material
 Register of Copyrights
 Library of Congress
 Washington, D.C. 20558-0000



United States Court of Appeals
for the Ninth Circuit

This is to certify that

RICK POSTER

was admitted and qualified as an
Attorney and Counselor of said Court

on this 4th day of January, 2008

Cathy G. Callerson

Cathy A. Callerson
Clerk of Court

Criminal Justice Training Center

at

Golden West College

Certificate of Completion
Conferred Upon

Richard Poster

For Successful Completion of 80 Hours of Training
Approved by the
California Commission on Peace Officer Standards and Training
in the

SPECIAL WEAPONS AND TACTICS BASIC ACADEMY

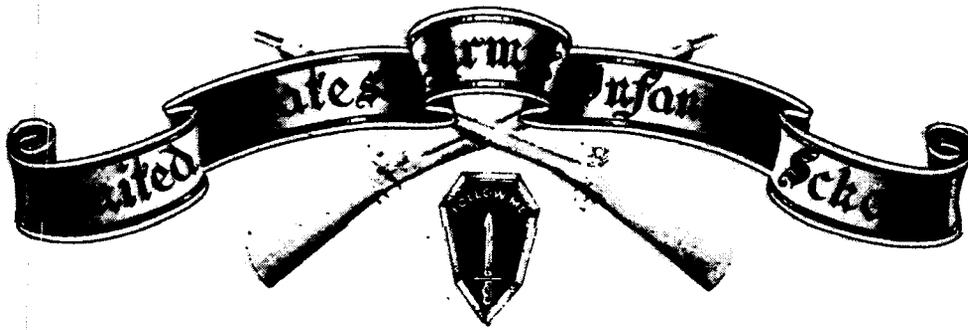
Date Awarded

May 9, 1986

John A. Hall
DEAN OF INSTRUCTION
BUSINESS, HEALTH AND APPLIED SCIENCES
AND VOCATIONAL EDUCATION

Charles J. ...
ASSOCIATE DEAN/DIRECTOR
CRIMINAL JUSTICE TRAINING CENTER

[Signature]
ASSISTANT DEAN/ACADEMY DIRECTOR
CRIMINAL JUSTICE TRAINING CENTER



Be it known that

2LT RICHARD D POSTER
552-6-3366

has successfully completed the
Infantry Officer Basic Course

at this institution and that in testimony
thereof is awarded this

Diploma

Given at Fort Benning, Georgia, on this the
9TH day of DECEMBER nineteen hundred and eighty-six

Edmund B. ...
Commandant

Richard E. Boney
Secretary



Richard D. Poster
Assistant Commandant



MEMORANDUM

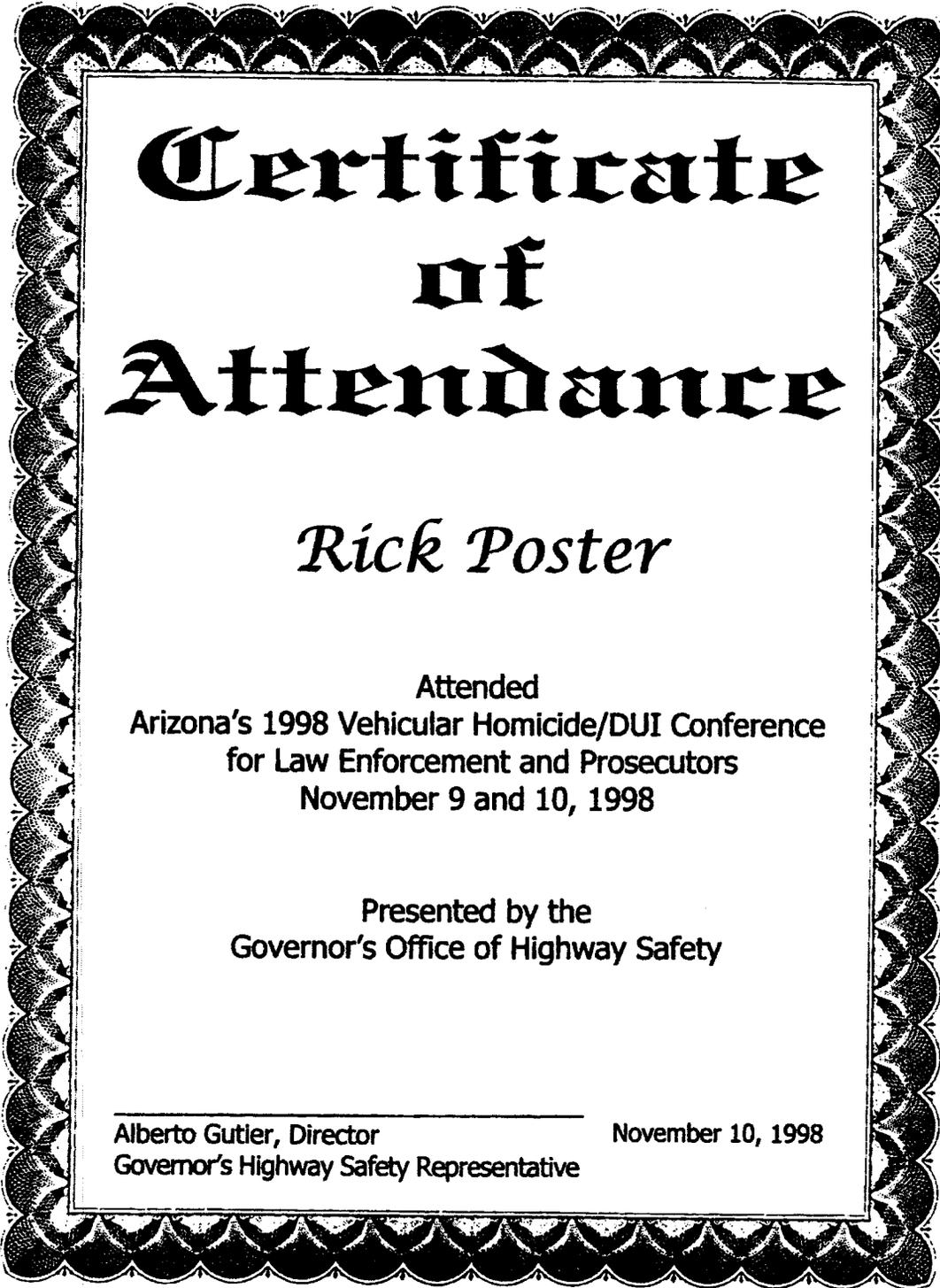
TO: Rick Poster
FROM: Marjorie Russell, Associate Professor
DATE: February 12, 1996
RE: ABA Trial Teams

Dear Rick,

Thank you so much for participating on this year's trial teams. You made valuable contributions. I hope that you learned a lot, and enjoyed it as much as I did.

As a team alum, you can expect me to call on you in future years to help train the teams who follow you! You are a talented trial lawyer, and a true warrior.

Please stay in touch. Let me know what I can do to help you.



Certificate of Attendance

Rick Poster

Attended
Arizona's 1998 Vehicular Homicide/DUI Conference
for Law Enforcement and Prosecutors
November 9 and 10, 1998

Presented by the
Governor's Office of Highway Safety

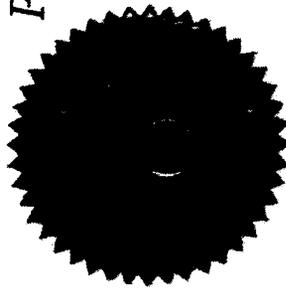
Alberto Gutier, Director
Governor's Highway Safety Representative

November 10, 1998

Maricopa County Attorney's Office Special Recognition

Presented to *Rick Poster* for team achievement in ensuring all ADAMS cases were resolved after the favorable ADAMS ruling in August 2000. Your commitment and dedication have served Maricopa County well.

Presented this 25th day of July, 2001.



Richard M. Romley
Maricopa County Attorney


ARIZONA'S FINEST LAWYERS
IDENTIFYING LAWYER EXCELLENCE - INFORMING CLIENT CHOICE

EXECUTIVE BOARD

GARY L. STUART
PRESIDENT & CEO

BURT J. KINERK
VICE-PRESIDENT

HARRY C. BEANS
TREASURER

ADVISORY BOARD

REBECCA ALBRECHT
PROF. MICHAEL BERCH
BRIAN CABIANCA
DAVID J. CANTELME
DOUG CHRISTIAN
PROF. DAVE COLE
FRED CUMMINGS
PROF. BOB DAUBER
LOUIS DIESEL
PAUL ECKSTEIN
BOOKER T. EVANS
GREG FAIRBOURN
MICHELLE FEENEY
TOM GALBRAITH
THOMAS GRIGGS
LARRY HAMMOND
RAYMOND R. HANNA
MARK I. HARRISON
ED HENDRICKS SR.
TOM HENZE
BOB HIRSH
DAVID KASH
PROF. KAY KAVANAGH
MIKE KIMERER
PETE KLINE
GORDON LEWIS
GEORGE LYONS
PROF. TONI MASSARO
PAT MCGRODER
CRAIG MEHRENS
RANDY NUSSBAUM
PROF. CATHERINE O'GRADY
DANNY ORTEGA
JONES OSBORN
SCOTT RHODES
PHIL ROBBINS
RICK ROMLEY
MARA SIEGAL
MIKE TIFFANY
JAMES WALSH
PROF. PENNY WILLRICH
CHARLES WIRKEN
PROF. ANN WOODLEY

January 21st, 2011

Rick D. Poster
11022 N. 28th Dr. Ste 290
Phoenix, AZ 85029-5639

Re: Selection to *Arizona's Finest Lawyers*

Dear Rick,

It is with great pleasure that I offer my congratulations on your selection as one of *Arizona's Finest Lawyers*. This singular honor reflects your commitment to advancing the rule of law in Arizona. Based on a peer-reviewed nomination, the Executive Board selected you because of your demonstrated record of high achievement, excellent legal skills, and a well-earned reputation for integrity. We are thrilled to include you in our new, online biographical database (www.azfinestlawyers.org).

Our focus on excellence across the wide expanse of Arizona's legal community will identify the best among us. The new database includes practicing and retired lawyers as well as judges, professors, prosecutors, public defenders, and entrepreneurial lawyers. Next year we will publish a print directory to supplement the website. The men and women in both directories are distinguished individuals whose election is predicated on high talent, record of integrity, and insightful focus on community and personal goals. We hope in time to establish a nonprofit—*The Arizona Law Institute*—it will be something all members can take pride in.

AFL is mission-focused. We identify excellence in lawyers so that we can inform client choice. But not just private clients—we use clients in the broadest context—economically, educationally, politically, professionally, and at every leadership level. Our site is not a marketing or client referral system—it is very much a validation authority.

We do not take applications and there is no cost for regular membership. You do not need to do anything to retain your selection in AFL, although of course you can opt out at anytime. We have also created a Sustaining Membership, providing extra value to you, as explained in the attached insert. Please consider becoming a Sustaining Member. Your presence in our database will serve you and our profession well. Again, congratulations on your selection.

Respectfully yours,



Gary L. Stuart

7000 N. 16TH STREET, SUITE 120, PMB 138 • PHOENIX AZ 85020
602.635.1499 • WWW.AZFINESTLAWYERS.ORG



**NOTABLE NETWORKER
AWARD**

Copyright 1996, 2009 BNI

**IN RECOGNITION OF
OUTSTANDING TEAM PERFORMANCE**

To: _____
RICK POSTER

For: _____
MOST VALUE GIVEN

2/4/2010

Date

A handwritten signature in black ink, appearing to read 'Ivan R. Misner'.

Ivan R. Misner, Ph.D.
Founder & Chairman



District of Arizona

I, Richard H. Weare Clerk of the United States

District Court, certify that

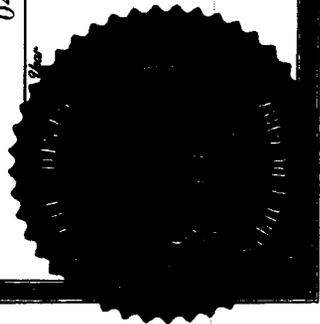
Rick Poster

*was duly admitted and qualified to practice as an Attorney
in the District Court on the 5th day of January,*

04

*In testimony whereof, I sign my name and affix the seal of
this Court, on this 5th day of January, 04*

Richard H. Weare
Clerk





Certificate of Appreciation

presented to

Richard Dean Poster

for

ABA National Trial Team

July 25, 1996


Dean

EXHIBIT D

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

RICK D. POSTER,
Bar No. 018115,

Respondent.

PDJ _____

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 16-0310]

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, **Rick D. Poster**, is hereby reprimanded and placed on probation for a period of 18 months for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective from the date of this order or _____.

IT IS FURTHER ORDERED that, as a term of probation, Respondent shall complete the CLE "10 Deadly Sins of Conflict" and 3 additional hours of CLE focused on conflict of interest. Respondent shall take notes and provide said notes as proof of completion to the State Bar Compliance Monitor.

IT IS FURTHER ORDERED that, LOMAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order. 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.

IT IS FURTHER ORDERED that Respondent shall pay restitution in the amount of \$5,000.00 to Robert White, within 90 days from the date of service of this order.

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:

Rick Poster
11024 N. 28th Drive, Suite 200
Phoenix, Arizona 85029
Email: rick@posterlaw.com

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

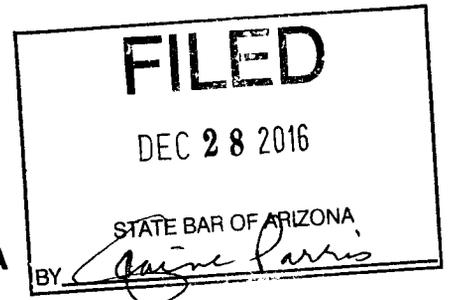
Bradley F. Perry
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

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
Phoenix, Arizona 85016-6266

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,

No. 16-0310

RICK D. POSTER,
Bar No. 018115,

PROBABLE CAUSE ORDER

Respondent.

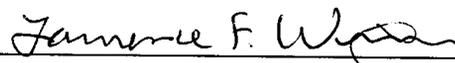
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 9, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-0310.

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 December, 2016.



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

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

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

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

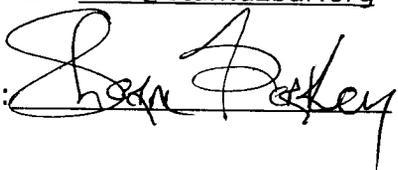
Copy mailed this 29th day
of December, 2016, to:

Karen Clark
Adams & Clark, PC
520 E. Portland Street
Phoenix, Arizona 85004-1843
Respondent's Counsel

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

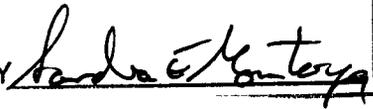
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

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

by: 

FILED

JAN 31 2017

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,**

**RICK D. POSTER,
Bar No. 018115,**

Respondent.

No. 16-1013

PROBABLE CAUSE ORDER

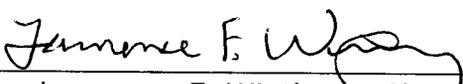
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on January 13, 2017, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-1013.

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

Parties may not file motions for reconsideration of this Order.

DATED this 31 day of January, 2017.



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

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

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

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

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

Rick D. Poster
The Poster Law Firm, PLLC
11024 North 28th Drive, Suite 200
Phoenix, Arizona 85029-4336
Respondent

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

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

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

by: 