

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**LYNDON B. STEIMEL,**  
**Bar No. 011733**

Respondent.

**No. PDJ-2016-9085**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 16-0409]

**FILED FEBRUARY 14, 2017**

The decision of the hearing panel was filed with the disciplinary clerk on January 25, 2017, the time for appeal has passed and no appeal has been filed.

Now Therefore,

**IT IS ORDERED** Respondent, **LYNDON B. STEIMEL, Bar No. 011733,** is suspended from the practice of law for six (6) months effective February 24, 2017.

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

**IT IS FURTHER ORDERED** Mr. Steimel shall pay restitution of \$5,000.00, plus interest at the statutory rate, to Ridgeley A. Scott, Administrator D.B.N.C.T.A. of Philip Meriano.

**IT IS FURTHER ORDERED** Mr. Steimel shall comply with the district court's order for attorneys' fees and costs totaling \$14,977.50.

**IT IS FURTHER ORDERED** Mr. Steimel shall pay all State Bar costs and expenses ordered by the Presiding Disciplinary Judge. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge.

**DATED** this 14th day of February, 2017.

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

COPY of the foregoing e-mailed/mailed  
this 14th day of February, 2017 to:

Hunter F. Perlmeter  
Bar Counsel  
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Phoenix, AZ 85016-6266  
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Lyndon B. Steimel  
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Respondent

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**LYNDON B. STEIMEL,**  
**Bar No. 011733**

Respondent.

**PDJ 2016-9085**

**DECISION AND ORDER  
IMPOSING SANCTIONS**

[State Bar No. 16-0409]

**FILED JANUARY 25, 2017**

On January 6, 2017, the Hearing Panel, comprised of Harlan J. Crossman, Attorney Member, Marsha M. Sitterley, Public Member, and the Presiding Disciplinary Judge (PDJ) William J. O’Neil, held an aggravation/mitigation hearing. Hunter F. Perlmeter appeared on behalf of the State Bar of Arizona. Lyndon B. Steimel represented himself. At the conclusion of the hearing, the State Bar requested a six (6) month and one (1) day suspension and restitution. Mr. Steimel acknowledged misconduct occurred and requested a sanction other than suspension.

**I. SANCTION IMPOSED**

**SIX (6) MONTH SUSPENSION, RESTITUTION, AND COSTS OF THESE PROCEEDINGS.**

**II. PROCEDURAL HISTORY**

The State Bar of Arizona (“SBA”) filed its complaint on September 6, 2016. On September 8, 2016, the SBA filed a notice of service of the complaint demonstrating Mr. Steimel was served 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 was assigned to the matter. A notice of default was properly issued on October 4, 2016. Mr. Steimel filed his answer on October 18, 2016, admitting all nineteen factual allegations. An initial case management conference was conducted on November 2, 2016. The parties filed a joint prehearing statement on December 9, 2016. The State Bar filed its prehearing memorandum on December 20, 2016 and Mr. Steimel filed his on December 30, 2016.

### **III. FINDINGS OF FACT**

1. Mr. Steimel is a lawyer licensed to practice law in the State of Arizona having been first admitted on October 24, 1987.

#### **COUNT ONE (File No. 16-0409/Scott)**

2. Scott Ridgeley is the administrator for the estate of Phillip Meriano. In that capacity he hired Mr. Steimel to represent him to collect a judgment owed to the estate by a debtor.

3. The debtor had filed for Chapter 7 bankruptcy prior to Mr. Steimel being retained. Despite the best efforts of Mr. Steimel, the debtor was discharged. Mr. Steimel was retained to appeal that discharge, and paid a \$5,000 flat fee and a 40% contingency of all monies collected from the debtor.

4. Mr. Steimel filed a notice of appeal on January 12, 2015. On January 14, 2015, the Clerk of the Bankruptcy Court gave written notice to Mr. Steimel that he was required to file with the Clerk: 1. A designation of the items to be included in the record on appeal; 2. A statement of the issues to be presented; and 3. A request for any transcripts where the

designation includes a transcript of any proceeding or a part thereof. [Ex. 2.] In his testimony Mr. Steimel acknowledged receipt of that notice. Mr. Steimel admits he did none of those requirements.

5. On February 6, 2015, Debtor elected to proceed in District Court. The Bankruptcy Clerk gave notice of the transfer on February 6, 2015. [*Supra.*] On February 9, 2015, the Clerk for the District Court issued a standard order, which Mr. Steimel testified he read, informing the parties,

Failure to comply with the provisions of Federal Rules of Bankruptcy Procedure and the Local Rules of Bankruptcy Appeal Procedure may result in the Court taking action for failure to perfect the appeal, including possible dismissal pursuant to Rule 8020-1 of the Local Rules of Bankruptcy Appeal Procedure. [Ex. 3.]

6. On March 13, 2015, the Clerk issued a memo, which Mr. Steimel testified he read, stating the Certificate that the Record of appeal is Complete could not be filed as there was neither a designation of record nor statement of issues on file. [Ex. 4.]

7. On March 18, 2015, Judge John J. Tuchi issued a scheduling order for filing the briefs and also ordered, “failure to comply with provisions of the Local Rules of Bankruptcy Appeal Procedure and this Order may result in the court taking action for failure to perfect the appeal, including possible dismissal pursuant to LRBankr 8020-1.” [Ex. 5.]

8. Mr. Steimel filed his opening brief in the U.S. District Court on April 1, 2015. [Exhibit 6.] He certified in his brief it did not exceed thirty pages and complied with FRBP Rule 8015(a)(B). However, the applicable rule was LRBankr 8010-2 which restricted the brief to seventeen pages. The three sentence motion of debtor to exceed page limitation

gave clear notice of this to Mr. Steimel. The motion states Mr. Steimel, “In violation of this rule... filed a thirty page brief, without seeking leave of the Court.” [Ex. 8 and Complaint admitted allegation 6.]

9. Debtor moved to dismiss the appeal on April 15, 2015, for multiple deficiencies including a failure to provide a statement of the issues, a failure to designate items to be included in the record on appeal, and a failure to provide almost any citation to the record. [Complaint, admitted allegation 7, and Ex. 7.]

10. Mr. Steimel filed a response and summarized his position his non-compliance by stating,

Appellant will file a motion to exceed page limits for the Opening Brief and will file all necessary appendices, exhibit and trial transcripts and will comply with the requirements of FRBP Rule 8009 in a season manner. Therefore, the procedural deficiencies are not egregious and should not merit dismissal of this appeal. [Ex. 14, SBA00545, Lines 12-16.]

Likewise the response repeats that Mr. Steimel “will provide,” or “will file” and that the deficiencies “will be rehabilitated” rather than filing the required documents. Mr. Steimel took no corrective actions.

11. On May 5, 2015, the court granted the motion to dismiss and signed the order of dismissal. The court found Mr. Steimel failed to file a statement of issues and designation of record within 14 days after the Notice of Appeal, filed a brief nearly twice the length permitted by local rules, and violated local rules by failing to seek leave for the over-length brief. [Complaint, admitted allegation 8, and Ex. 7 and 16.]

12. The court cited the multiple warnings Mr. Steimel had received of the potential for dismissal for failure to comply with the rules, including Rule 8009 of the Federal Rules of Bankruptcy Procedure. That rule dictates that, within fourteen days of an appellant's notice of appeal becoming effective, "[t]he appellant must file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record and a statement of the issues to be presented." [Ex. 7, Lines 17-20, SBA00061, Complaint, admitted allegation 8-9.]

13. Mr. Steimel emphasized in his testimony before us that the rules were confusing and difficult to follow arguing the District Court Judge was fixed on procedural matters. A lawyer is required to know and follow all applicable rules of procedure. *See, e.g., People v. Miller*, 35 P.3d 689 (Colo. O.P.D.J. 2001). The court addressed such argument pointing out Mr. Steimel "has never filed a designation of record or statement of issues in the Bankruptcy Court." The court then detailed multiple other areas of non-compliance finding Mr. Steimel had disregard for and was indifferent to the applicable rules of procedure. [Ex. 7, Lines 6:22-7:17, SBA00062-63.] Mr. Steimel summarized his position regarding his non-compliance by stating,

Appellant will file a motion to exceed page limits for the Opening Brief and will file all necessary appendices, exhibit and trial transcripts and will comply with the requirements of FRBP Rule 8009 in a season manner. Therefore, the procedural deficiencies are not egregious and should not merit dismissal of this appeal.

[Ex. 14, SBA00545, Lines 12-16.]

14. It is not for this hearing panel to analyze the correctness of a court ruling. However, with the record before us we find the court findings were justified. Nothing

precluded Mr. Steimel from taking corrective action by preparing and offering the documents that would have cured the deficiencies. Instead, he only offered to prepare the required documents. In his response to the motion to dismiss he stated the “record will be corrected seasonably...” and “Moreover, any exhibit or transcript will be provided to this Court in due time for consideration of this appeal.” [Ex. 14, SBA00542, Line 20 and 23-24.]

15. Mr. Steimel did not tell his client about the dismissal of the appeal [Complaint, admitted allegation 10.] In his testimony before us, he stated this was because he was embarrassed and ashamed. In his testimony, he minimized his misconduct by construing this failing as a mere delay. We find it was much more than a delay. We find he actively avoided his client’s contact. On July 6, 2015, Mr. Steimel, without consulting with Mr. Ridgeley, moved for Leave to File a Motion for Reconsideration of Dismissal. [Ex. 20 and Complaint, admitted allegation 11.]

16. On July 16, 2015, Mr. Ridgeley contacted Mr. Steimel for a status update. Respondent responded the following day, “Ridge, I am working on a couple of deadlines but will get back to you early next week on this.” Respondent failed to follow-up. [Ex. 43, SBA00728-9, Complaint, admitted allegation 12.]

17. On July 16, 2015, Mr. Ridgeley emailed Mr. Steimel and again on July 23, 2015, stating, “Please get back to me.” At 5:38 p.m., Mr. Steimel responded, “I am off to a hearing and will call you when I get back.” Respondent did not call back. [*Supra*, SBA00728, Complaint, admitted allegation 13.]

18. On July 28, 2015, Mr. Ridgeley again emailed Mr. Steimel requesting an update stating “I would like to know what is going on with the Lynch case. Please give me a call, or send me an email.” Respondent did not respond. [Ex. 44, Complaint, admitted allegation 15.]

19. On July 30, 2015, Ridgeley again emailed, Mr. Steimel stating, “Hi Lyndon, are you still alive? What is going on?” Mr. Steimel called him back that afternoon and finally admitted to Mr. Ridgeley, for the first time, that the appeal had been dismissed because of his mistakes. Dishonesty need not involve conduct legally characterized as fraud, deceit, or misrepresentation. We find Mr. Steimel conduct to be dishonest. Dishonesty can be “conduct evincing a lack of honesty, probity or integrity in principle; a lack of fairness and straightforwardness.” *See generally Fla. Bar v. Ross*, 732 So. 2d 1037 (Fla. 1998). Mr. Steimel then stated he believed the dismissal decision to be inappropriate and that he was seeking reversal and would timely provide an update. [Complaint, admitted allegations 16-17.]

20. When his client heard nothing from Mr. Steimel, he emailed Mr. Steimel on August 21, 2015, asking “When do you expect to hear something about the motion to set aside the dismissal?” [Ex. 45.] Mr. Steimel responded the same day answering, “soon.” [Ex. 46.] Not having heard anything, his client again emailed him on September 13, 2015, asking had Mr. Steimel heard anything about the motion to set aside the dismissal. [Ex. 47.] Mr. Steimel did not respond. On September 20, 2015, his client emailed him again stating, “Seven days ago I asked for an update on the motion to set aside the dismissal. Why have

I not received your response?” The following day Mr. Steimel responded stating he would check the court website to confirm there was “no movement” on the motion. [Ex. 48.]

21. Mr. Steimel had not filed a motion to set aside the dismissal. Judgment dismissing the appeal had been entered on May 5, 2015. Instead, two months after that judgment was entered, Mr. Steimel had moved for leave to file a motion for reconsideration on July 6, 2015. [Ex. 20.] According to the ruling of Judge Tuchi, the Federal Rules of Bankruptcy Procedure have no provision for a motion to reconsider a reviewing court’s decision in an appeal from the Bankruptcy court. [Ex. 25, SBA597, Lines 1-4.] Notwithstanding, the Court considered the motion, but found no grounds were presented for the consideration of the motion.

22. On October 14, 2015, the court denied the Motion for Leave to File Motion for Reconsideration, “because counsel for Appellant [Respondent] failed utterly to follow the Federal Rules of Bankruptcy Procedure.” The court stated that the result of Respondent’s:

... failure to designate items to be included in the record, to provide almost any citations in his briefs to the record, and even to provide a statement of issues, was that this Court and the opposing party could not begin to figure out the factual and legal nature underpinning his complaint of error in the Bankruptcy Court. Appellant’s argument for reconsideration, then, is that there was previously available evidence and information that his counsel did not present, clearly or otherwise, in his briefs, but that the Court should not punish Appellant for his counsel’s [Respondent’s] lack of knowledge, experience and familiarity with the Federal Rules of Bankruptcy Procedure. In other words, Appellant’s counsel will fix the deficiencies in his briefs at some later (and still as yet unspecified) time he deems ‘seasonable,’ if the Court and

Appellee will just be patient. The Rules do not contemplate such procedure, and Appellant has given the Court no basis whatsoever to reconsider its May 5 Order.

[Complaint, admitted allegation 18 and Ex. 25.]

21. Debtor moved for an award of attorney fees and double costs. [Ex. 17.] The court entered monetary sanctions against the estate and in doing so stated, “[t]he Court finds that, for the reasons set forth above, the manner in which the instant appeal was prosecuted is so deficient as to make the appeal frivolous.” The award was for \$12,750 in fees, plus \$2,227.50 in costs. [Complaint, admitted allegation 19 and Ex. 26.]

#### **IV. CONCLUSIONS OF LAW**

By engaging in the above-listed misconduct, we find Mr. Steimel violated the following ethical rules:

- a. Rule 42, Ariz. R. Sup. Ct., ER 1.1 – Mr. Steimel failed to provide competent representation to his client.
- b. Rule 42, Ariz. R. Sup. Ct., ER 1.3 – Mr. Steimel failed to act with reasonable diligence and promptness during the representation;
- c. Rule 42, Ariz. R. Sup. Ct., ER 1.4 – Mr. Steimel failed to reasonably communicate with his client during the representation;
- d. Rule 42, Ariz. R. Sup. Ct., ER 8.4(c) – Mr. Steimel engaged in conduct involving dishonesty.
- e. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Mr. Steimel engaged in conduct prejudicial to the administration of justice.

#### **V. ABA STANDARDS ANALYSIS**

The American Bar Association’s *Standards for Imposing Lawyer Sanctions* (“*Standards*”) are a “useful tool in determining the proper sanction.” *In re Cardenas*, 164

Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should be considered: (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*.

**Duty Violated:**

Mr. Steimel violated his duty to his client and the legal system.

**Mental State and Injury:**

*Standard 4.4, Lack of Diligence* applies to Mr. Steimel's violations of ERs 1.3 and 1.4 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.

Mr. Steimel knowingly failed to adequately communicate and diligently represent his client.

*Standard 4.6, Lack of Candor* applies to the most serious violation, ER 8.4(c), and provides:

Suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to a client.

The Hearing Panel determined the presumptive sanction is suspension. Mr. Steimel knowingly, if not intentionally, failed to notify his client that his appeal had been dismissed. The client's estate was assessed costs and a judgment for attorney fees. That there has been

no efforts to date to collect the attorney fees or costs imposed by the Court is not a factor for us as the potential remains. [Hearing Testimony of Mr. Ridgley Scott.]

## **VI. AGGRAVATING AND MITIGATING FACTORS**

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

- 9.22(a) prior discipline. In May 2015, Mr. Steimel was reprimanded, placed on two years of probation (LOMAP), and ordered to pay restitution for violating ERs 1.1, 1.3, 1.4, 1.5, 3.1, 4.4(a) and 8.4(d).
- 9.22(b) dishonest or selfish motive. Mr. Steimel knowingly if not intentionally failed to inform his client of the court's order dismissing the appeal.
- 9.22(c) pattern of misconduct. Mr. Steimel's prior misconduct is similar in nature to the conduct present in the instant matter.
- 9.22(d) multiple offenses. Mr. Steimel violated multiple ethical rules.
- 9.22(i) substantial experience in the practice of law. Mr. Steimel was admitted to practice law in Arizona in October 1987.
- 9.22(j) indifference to making restitution. Mr. Steimel has not satisfied the awards imposed on his client.

The Hearing Panel finds no mitigating factors present in the record. At hearing, Mr. Steimel stated his wife was diagnosed with cancer. While there was no objective evidence to corroborate his statement, we accept it as true. We find on the record before us that her condition was an extenuating circumstance, not a mitigating factor excusing his conduct. *In*

*re Driscoll*, 85 Ill.2d 312, 423 N.E.2d 873, 874 (1981). Nothing was offered demonstrating her condition was an issue of causation.

## **VII. CONCLUSION**

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994). We do not believe formal reinstatement proceedings are required in this matter to protect the public, profession or the administration of justice. We are hopeful a lengthy suspension will deter future misconduct. Notwithstanding, we do not find the request by the State Bar unreasonable under the circumstances of this case.

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

**IT IS ORDERED** Respondent, **Lyndon B. Steimel, Bar No. 011733** is suspended from the practice of law for six (6) months effective thirty (30) days from this order.

**IT IS FURTHER ORDERED** Mr. Steimel shall pay restitution as follows:

Count One: \$5,000.00 to Ridgeley A. Scott, Administrator D.B.N.C.T.A. of Philip Meriano.

**IT IS FURTHER ORDERED** Mr. Steimel shall comply with the district court's order for attorneys' fees and costs totaling \$14,977.50. [Exhibit 26].

**IT IS FURTHER ORDERED** Mr. Steimel 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 25<sup>th</sup> day of January 2017.

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

*Marsha M. Sitterley*  
**Marsha M. Sitterley, Volunteer Public Member**

*Harlan J. Crossman*  
**Harlan J. Crossman, Volunteer Attorney Member**

Copy of the foregoing mailed/emailed  
this 25th day of January, 2017, to:

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4201 N. 24<sup>th</sup> Street, Suite 100  
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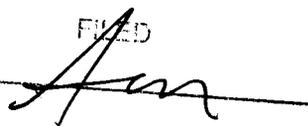
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Respondent

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CLERK OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

SEP 6 2016

FILED  
BY 

**BEFORE THE PRESIDING DISCIPLINARY  
JUDGE**

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

**LYNDON B. STEIMEL,  
Bar No. 011733,**

Respondent.

PDJ 2016-9085

**COMPLAINT**

State Bar No. 16-0409

Complaint is made against Respondent as follows:

**GENERAL ALLEGATIONS**

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 24, 1987.

**COUNT ONE (File no. 16-0409/Scott)**

2. Respondent was hired by Scott Ridgeley in his capacity as estate administrator to represent the estate of Phillip Meriano. The purpose of the representation was to collect a judgment owed to the estate by debtor John Lynch.

3. Mr. Lynch had filed for Chapter 7 bankruptcy before Respondent was hired.

4. Respondent's litigation efforts were unsuccessful and Mr. Lynch was granted a Chapter 7 discharge of the debt sought by the estate.

5. After the discharge was granted, Respondent was directed by the estate, through Mr. Ridgeley, to appeal the discharge decision.

6. Respondent filed his opening brief in the U.S. District Court on April 1, 2015. The brief included a Certificate of Compliance indicating that his thirty page brief did "not exceed 30 pages" and was in compliance with FRBP Rule 8015(a)(8)(B). However, that rule was not the governing rule. The proper rule, LRBankr 8006-1, restricted brief length to seventeen pages.

7. Mr. Lynch filed a motion to dismiss for multiple deficiencies including a failure to provide a statement of the issues, a failure to designate items to be included in the record on appeal, and a failure to provide almost any citation to the record.

8. On May 5, 2015, the court granted the motion to dismiss after finding that Respondent failed to file a statement of issues and designation of record within 14 days after the Notice of Appeal, filed a brief nearly twice the length permitted by local rules, and violated local rules by failing to seek leave for the over-length brief.

9. The court further stated, "... even if the Court were to undertake an assessment of the merit of this appeal, Appellant's very delinquency—in failing to take the steps necessary for the Court to have the record and failing to cite to that record—make such an assessment impossible. Because Appellant's failures have resulted in repeated prejudice to Appellee and now prevent the Court from resolving this appeal, the Court finds that the only just remedy is dismissal of this appeal."

10. Respondent did not tell Mr. Ridgeley about the dismissal of the appeal.

11. On July 6, 2015, Respondent, without consulting with Mr. Ridgeley, filed a Motion for Leave to File a Motion for Reconsideration of Dismissal.

12. On July 16, 2015, Mr. Ridgeley contacted Respondent for a status update. Respondent responded the following day, "Ridge, I am working on a couple of deadlines but will get back to you early next week on this." Respondent failed to follow-up.

13. Mr. Ridgeley emailed again on July 23, 2015, "Please get back to me."

14. Later that day, Respondent responded, "I am off to a hearing and will call you when I get back." Respondent did not call back.

15. On July 28, 2015, Mr. Ridgeley again emailed requesting an update. Respondent did not respond.

16. On July 30, 2015, Ridgeley again emailed, "Hi Lyndon, are you still alive? What is going on?"

17. Respondent called back that afternoon and admitted to Mr. Ridgeley, for the first time, that the appeal had been dismissed because of his mistakes. He further indicated that he believed the dismissal decision to be inappropriate and that he was seeking reversal and would timely provide an update.

18. On October 14, 2015, the court denied the Motion for Leave to File Motion for Reconsideration, "because counsel for Appellant [Respondent] failed utterly to follow the Federal Rules of Bankruptcy Procedure." The court stated that the result of Respondent's:

... failure to designate items to be included in the record,  
to provide almost any citations in his briefs to the record,

and even to provide a statement of issues, was that this Court and the opposing party could not begin to figure out the factual and legal nature underpinning his complaint of error in the Bankruptcy Court. Appellant's argument for reconsideration, then, is that there was previously available evidence and information that his counsel did not present, clearly or otherwise, in his briefs, but that the Court should not punish Appellant for his counsel's [Respondent's] lack of knowledge, experience and familiarity with the Federal Rules of Bankruptcy Procedure. In other words, Appellant's counsel will fix the deficiencies in his briefs at some later (and still as yet unspecified) time he deems 'seasonable,' if the Court and Appellee will just be patient. The Rules do not contemplate such procedure, and Appellant has given the Court no basis whatsoever to reconsider its May 5 Order.

19. The court also entered monetary sanctions against the estate and in doing so stated, "[t]he Court finds that, for the reasons set forth above, the manner in which the instant appeal was prosecuted is so deficient as to make the appeal frivolous." An award of \$12,750 in fees, plus \$2,227.50 in costs was entered against the estate.

20. Respondent's conduct described above is in violation of ERs 1.1, 1.3, 1.4, 8.4(c), and 8.4(d).

**DATED** this 6<sup>th</sup> day of September, 2016.

**STATE BAR OF ARIZONA**

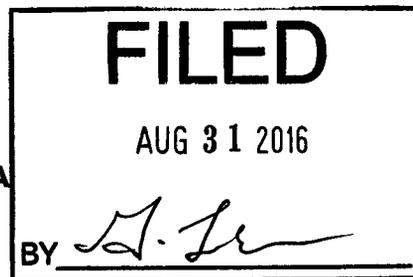


Hunter F. Perlmeter  
Staff Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 6<sup>th</sup> day of September, 2016.

by: John Bukaw  
HFP:jlb

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. 16-0409

LYNDON B. STEIMEL,  
Bar No. 011733,

PROBABLE CAUSE ORDER

Respondent.

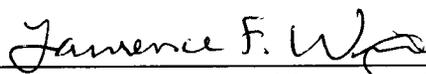
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on August 12, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-0409.

**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 30 day of August 2016.

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

<sup>1</sup> Committee members Jeffrey B. Messing and Ben Harrison did not participate in this matter.

Original filed this 31<sup>st</sup> day  
of August, 2016 with:

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

Copy mailed this 1<sup>st</sup> day  
of September, 2016, to:

Lyndon B. Steimel  
14614 N. Kierland Blvd, Suite N135  
Scottsdale, Arizona 85254-2744  
Respondent

Copy emailed this 1<sup>st</sup> day  
of September, 2016, to:

Attorney Discipline Probable Cause Committee  
of the Supreme Court of Arizona  
1501 West Washington Street, Suite 104  
Phoenix, Arizona 85007  
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by: Justin Braker