

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MICHAEL P. THIEME,
Bar No. 024124

Respondent.

PDJ 2017-9021

**FINAL JUDGMENT AND
ORDER**

[State Bar File No. 16-2470]

FILED JUNE 8, 2017

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on May 25, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement. Accordingly:

IT IS ORDERED Respondent, **MICHAEL P. THIEME, Bar No. 024124** is suspended from the practice of law for six (6) months for violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective retroactive to December 14, 2016, the effective date of Mr. Thieme's interim suspension.

IT IS FURTHER ORDERED upon reinstatement, Mr. Thieme shall be placed on probation for a period of eighteen (18) months.

IT IS FURTHER ORDERED Mr. Thieme shall participate in the State Bar's LRO Member Assistance Program (MAP): Mr. Thieme shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of his reinstatement, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

IT IS FURTHER ORDERED Mr. Thieme shall comply with all terms of his criminal probation.

IT IS FURTHER ORDERED Mr. Thieme shall be subject to any additional terms imposed by the Presiding Disciplinary Judge or the State Bar at the time of reinstatement.

IT IS FURTHER ORDERED pursuant to Rule 72 Ariz. R. Sup. Ct., Mr. Thieme shall comply with the requirements relating to notification of clients and others, as previously ordered. If Mr. Thieme previously complied with the notification requirements of Rule 72 after the time of the issuance of the Interim Order of Suspension dated December 14, 2016, no additional notification is required at this time.

IT IS FURTHER ORDERED Mr. Thieme shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 8th day of June, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed
on June 8, 2017, and mailed June 9, 2017, to:

Michael P. Thieme
O'Leary Eaton, PLLC
115 Grove Avenue
Prescott, AZ 86301-2909
Emails: az24124@yahoo.com
& mike@olearyeaton.com
Respondent

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

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MICHAEL P. THIEME,
Bar No. 024124

Respondent.

PDJ-2017-9021

**DECISION AND ORDER
ACCEPTING DISCIPLINE
BY CONSENT**

[State Bar File No. 16-2470]

FILED JUNE 8, 2017

A Probable Cause Order issued on January 31, 2017, and the formal complaint was filed on February 21, 2017. The parties filed their Agreement for Discipline by Consent on May 25, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct.

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

opportunity to object as required by Rule 53(b)(3), Ariz. R. Sup. Ct., was not necessary as Mr. Thieme self-reported his misconduct to the State Bar.

The Agreement details a factual basis to support the conditional admissions. Mr. Thieme conditionally admits he violated Rule 54(g) (conviction of a crime). The agreed upon sanctions include a six (6) month suspension retroactive to December 14, 2016, the effective date of Mr. Thieme's interim suspension, and upon reinstatement, eighteen (18) months of probation, the term of which shall be to participate in the State Bar's Lawyer Regulation Member Assistance Program (MAP), compliance with his criminal probation, and the payment of \$1,200.00 in costs and expenses within thirty (30) days of the date of this order. The conditional admissions are briefly summarized.

On March 22, 2012, Mr. Thieme was involved in a one car rollover accident. His car was found upside down near a destroyed APS box.

On July 7, 2016 Mr. Thieme was convicted by jury verdict of Criminal Damage, a Class 4 Felony and Driving Under the Influence, a Class 1 Misdemeanor. Because of the property damage, Mr. Thieme was also convicted by bench verdict of violating A.R.S. § 28-664, Striking Highway Fixtures, a Class 3 Misdemeanor.

Mr. Thieme timely self-reported his criminal convictions as required on July 26, 2016. He was sentenced on October 17, 2016 to two years of probation, criminal fines and 200 hours of community service were imposed. Mr. Thieme appealed his

conviction on October 18, 2016 and the appeal before the Court of Appeals, Case No. 1-CA-CR 160767, *State v. Thieme* is pending. In addition, on December 12, 2016 the judgment of guilt and sentence was amended to DUI (impairment to the slightest degree and his criminal damage conviction to reflect a “reckless” standard.

Rule 58(k) provides sanctions shall be determined under the *American Bar Association Standards for Imposing Lawyer Sanctions*, (“Standards”). The parties agree *Standard 5.12, Failure to Maintain Personal Integrity* applies to Mr. Thieme’s violation of Rule 54(g) and provides suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in *Standard 5.1 (disbarment)* and that seriously adversely reflects on the lawyer’s fitness to practice

Mr. Thieme violated his duty to the public by knowingly engaging in criminal conduct and causing harm to the public. Conviction of a felony offense is considered conduct that seriously adversely reflects on Mr. Thieme’s fitness to practice law. Mr. Thieme however, was deemed a low risk reoffender and has not consumed alcohol since 2013. He has voluntarily attended a MADD Victim Impact Panel session and a 16 hour DUI class led by a substance abuse counselor.

The parties agree that the presumptive sanction is suspension. The parties further agree there are no aggravating factors present in the record and stipulate the following mitigating factors are present: *Standards 9.32(a)* absence of a prior

disciplinary record, 9.32(b) absence of a selfish or dishonest motive, 9.32(d) timely good faith effort to make restitution or rectify consequences of misconduct, 9.32(e) full and free disclosure and cooperative attitude toward the proceedings, 9.32(k) other penalties and sanctions, 9.32(l) remorse, and 9.32 (g) character and reputation. Evidence to support 9.32(g) is attached to the Agreement as Exhibit C.

The Presiding Disciplinary Judge finds the proposed sanctions of suspension and probation meet the objectives of attorney discipline.

Now therefore,

IT IS ORDERED accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions reflect a six (6) month suspension and upon reinstatement, eighteen (18) months of probation (MAP). Additionally, the payment of \$1,200.00 in costs and expenses are to be paid to the State Bar within thirty (30) days from the date of this order. There are no costs incurred by the Office of the Presiding Disciplinary Judge. A final judgment and order is signed this date.

DATED this June 8, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed
on June 8, 2017, and mailed June 9, 2017, to:

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

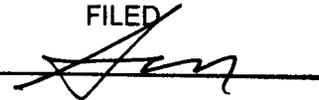
Michael P. Thieme
O'Leary Eaton, PLLC
115 Grove Avenue
Prescott, AZ 86301-2909
Emails: az24124@yahoo.com
& mike@olearyeaton.com
Respondent

by: [AMcQueen](#)

Bradley F. Perry, Bar No. 025682
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

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

MAY 25 2017

FILED
BY 

Michael P. Thieme, Bar No. 024124 (currently suspended)
115 Grove Avenue
Prescott, Arizona 86301
Telephone 928-445-1856
Email: az24124@yahoo.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**MICHAEL P. THIEME,
Bar No. 024124,**

Respondent.

PDJ 2017-9021

State Bar File No. **16-2470**

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Michael P. Thieme, in propria persona, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A Probable Cause Order has now been entered in this matter; formal proceedings are currently underway, with trial having been set for July 5, 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.

Respondent self-reported in this matter, therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 54(g) Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Respondent shall be suspended from the practice of law for six (6) months. Upon reinstatement, Respondent shall be placed on probation for a period of eighteen (18) months, the terms of which shall include: (1) participation in the State Bar's Lawyer Regulation Member Assistance Program (MAP), and (2) compliance with all terms of Respondent's criminal probation. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within thirty (30) days from the date of this Order, and, if costs are not paid within the thirty (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, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on December 1, 2005.
2. Respondent was interim suspended from the practice of law on December 14, 2016, pending resolution of these proceedings.

COUNT ONE (File No. 16-2470/Thieme)

1. On March 22, 2012, the Yavapai County Sherriff's Office received a report of an unknown injury accident involving a single vehicle rollover. Two sheriff's deputies initially arrived at the scene and found a red Chevy passenger car upside down on the side of the road near a destroyed APS box.
2. The ensuing investigation resulted in Respondent's arrest on suspicion of driving under the influence and criminal damage.
3. Respondent was indicted on February 15, 2013, of Criminal Damage (based on recklessness), a Class 4 Felony, Driving Under the Influence (impaired to the slightest degree), a Class 1 Misdemeanor, and Striking Highway Fixtures (ARS 28-665), a Class 3 Misdemeanor.
4. On July 7, 2016, Respondent was convicted by jury verdict of Criminal Damage, a Class 4 Felony and Driving Under the Influence, a Class 1 Misdemeanor. On the same day, Respondent was convicted by bench verdict of Striking Highway

Fixtures (ARS 28-665), a Class 3 Misdemeanor. No aggravating factors were presented to or found by the jury. The felony classification of the criminal damage was based solely on the value of the property damaged.

5. The State did not present any evidence of a specific blood alcohol content (“BAC”) level at trial.

6. The State alleged that the mental state underlying the felony was “reckless;” no other mental state was alleged by the State, or found by the jury in its verdict.

7. Respondent was offered a plea agreement by the prosecutor, but instead chose to proceed to trial.

8. Respondent timely self-reported his convictions to the State Bar on July 26, 2016, and has cooperated with the State Bar’s investigation.

9. On October 17, 2016, judgment of guilt was entered and Respondent was sentenced to two years’ probation, had criminal fines imposed upon him, was given 200 hundred hours of community restitution, as well as credit for the one (1) day he served in jail at the time of his arrest.

10. On October 18, 2016, Respondent filed a notice of appeal of the conviction. The appeal is currently pending before the Arizona Court of Appeals, Case No. 1-CA-CR 16-0767, *State v. Thieme*.

11. On December 12, 2016, the judgment of guilt and sentence was amended to indicate that Respondent's DUI conviction was based on impairment to the slightest degree (ARS 28-1381(A)(1)) and that his criminal damage conviction was under a "reckless" standard (ARS 13-1602(A)(3)).

12. Respondent's insurance company paid restitution for the damage caused to the APS power box before an indictment was filed.

13. Respondent was deemed a low risk of re-offending in the presentence report and reported to the presentence writer that he has not consumed alcohol since 2013. Respondent was in full compliance with the terms of his criminal probation as of May 22, 2017, completed all of the 200 hours of community service ordered in the criminal proceedings, has not had a positive urine analysis (UA) test for alcohol, and makes his monthly payments on time. See Exhibit B hereto, letter from Respondent's probation officer dated May 22, 2017.

14. Prior to sentencing, Respondent voluntarily attended a MADD Victim Impact Panel and a 16-hour DUI class led by a licensed substance abuse counselor.

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that his conduct violated Rule 54(g) Ariz. R. Sup. Ct.

RESTITUTION

Restitution is not an issue in this matter as Respondent's insurance company paid for the damage caused to the APS power box.

SANCTION

Respondent and the State Bar of Arizona agree that, based on the facts and circumstances of this matter, as set forth above, to offer and accept the following sanctions: Respondent shall be suspended from the practice of law for six (6) months, retroactive to the date of Respondent's interim suspension. Upon reinstatement, Respondent shall be placed on probation for a period of eighteen (18) months, the terms of which shall include: (1) participation in the State Bar's Lawyer Regulation Member Assistance Program (MAP), and (2) compliance with all terms of Respondent's criminal probation. The parties have conditionally agreed that if Respondent requires additional counseling or continued attendance at any program designated by MAP, they will, to the extent possible, work to ensure that Respondent may complete such in Prescott (or wherever he resides at that time).

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

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

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

The parties conditionally agree that *Standard 5.12* is the appropriate *Standard* given the facts and circumstances of this matter. Here, Respondent was convicted of one felony and two misdemeanor criminal offenses. According to the American Bar Association's Standards for Imposing Lawyer Sanctions, suspension is the presumptive sanction for lawyers convicted of felony crimes that do not involve fraud, misrepresentation, deceit, theft, or more serious allegations. Conviction of a felony offense is conduct that seriously adversely reflects on Respondent's fitness to practice law by calling into question his decision-making capabilities, his ability to adhere to rules, and his general personal integrity, all of which are essential elements of the practice of law.

The duty violated

As described above, the parties conditionally agree that Respondent's conduct violated his duty to the public.

The lawyer's mental state

For purposes of this agreement only, the parties conditionally agree that the appropriate mental state is knowing.

The extent of the actual or potential injury

For purposes of this agreement, the parties conditionally agree that there was actual harm to the public.

Aggravating and mitigating circumstances

For purposes of this agreement, the parties conditionally agree that the presumptive sanction in this matter is suspension. The parties further conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation: None

In mitigation:

Standard 9.32(a): Absence of a Prior Disciplinary Record

Respondent has been a member of the Arizona State Bar since 2005 without incurring any formal discipline or any discipline resulting in diversion.

Standard 9.32(b): Absence of Dishonest or Selfish Motive

Respondent's actions were not motivated by selfish desire.

Standard 9.32(d): Timely good faith effort to make restitution or to rectify consequences of misconduct

Restitution was made by Respondent's insurance company prior to the indictment.

Standard 9.32(e): Full and Fair Disclosure and Cooperative Attitude toward Proceedings

Respondent self-reported his convictions to the State Bar and promptly provided all additional information requested during the investigation.

Standard 9.32(g): Character and Reputation

See Exhibit C, reference letters of the Judian Society, William O'Leary, Jay Eaton, and Robert A. Miller. Furthermore, during Respondent's sentencing, attorneys C. Kenneth Ray and William J. O'Leary spoke to Respondent's good character, reputation, legal skill and diligence. One of the firm's clients, who has known Respondent for some ten (10) years, spoke to his positive work ethic, knowledge of the law, and his professionalism. Another client who hired Respondent's firm for her case from the Spring of 2015 until June 2016 testified about Respondent's professionalism, and the positive outcome he achieved for her during this time in the matter where the firm was representing her.

Standard 9.32(k): Impositions of other penalties or sanctions.

In addition to two years' supervised probation, Respondent received criminal fines and 200 hours of community restitution as part of his sentence in the criminal proceedings, along with credit for one (1) day served in jail, and was sanctioned by the Motor Vehicle Department with respect to his driver's license.

Standard 9.32(l): Remorse

Respondent regrets the circumstances that led to his convictions, and he also indicated as much during his sentencing before the criminal court.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the sanction of a 6-month suspension retroactive to the date of Respondent's interim suspension is appropriate.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: Respondent's convictions do not directly reflect on his character for truthfulness which is the essential element of most crimes that presumptively result in disbarment. Furthermore, the arrest that led to the convictions at issue occurred in March 2012, appears to have been isolated, did not directly involve the practice of law, did not cause any tangible harm to any client, and there is no evidence that Respondent has any ongoing substance abuse problem. Respondent has freely cooperated in the course of the State Bar's investigation.

However, Respondent's conduct is serious and conviction of a felony offense not only reflects negatively on a lawyer, but diminishes the integrity of the profession as a whole. Suspension serves to provide the lawyer time to reflect on his actions and correct any underlying causes while reassuring the public that the legal profession's self-regulatory mechanisms are functioning.

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 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 suspension, probation, and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit D.

DATED this 24th day of May 2017.

STATE BAR OF ARIZONA



Bradley F. Petry
Staff Bar Counsel

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

DATED this _____ day of May, 2017.

Michael P. Thieme
Respondent

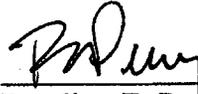
Approved as to form and content



Maret Vessella
Chief Bar Counsel

DATED this _____ day of May 2017.

STATE BAR OF ARIZONA



Bradley F. Petry
Staff Bar Counsel

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

DATED this 24th day of May, 2017.



Michael P. Thieme
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 25th day of May, 2017.

Copy of the foregoing emailed
this 25th day of May, 2017, to:

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

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

Michael P. Thieme
3950 West Borden Trail
Prescott, Arizona 86305
Email: mike@olearyeaton.com
and az24124@yahoo.com
Respondent

Copy of the foregoing hand-delivered
this 25th day of May, 2017, to:

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

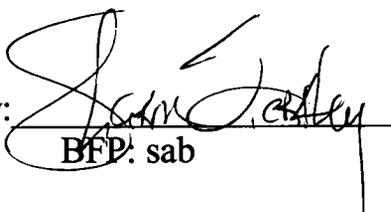
by: 
BFP. sab

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a suspended Member of the State Bar of Arizona,
Michael P. Thieme, Bar No. 024124, Respondent

File No. 16-2470

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$ 1,200.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges

\$ 0.00

TOTAL COSTS AND EXPENSES INCURRED

\$1,200.00

EXHIBIT B

**SUPERIOR COURT OF ARIZONA
YAVAPAI COUNTY**

255 E. GURLEY, 2nd Floor
PRESCOTT, ARIZONA 86301
Phone (928) 771-3332
FAX (928) 771-3112
IPS Phone (928) 771-3372

**ADULT PROBATION
DEPARTMENT**

John C. Morris
Chief Adult Probation Officer



From: Latasha Riley, Adult Probation Officer

Date: May 22, 2017

Re: Michael Thieme

Mr. Thieme has done well on probation thus far; he has completed all 200 hours of community service hours, has not had a positive UA, and makes his monthly payments on time.

Thank you and please if you have any questions please call or email.

Latasha Riley

Adult Probation Officer

928-777-7483 office

982-771-3112 fax

Latasha.Riley@yavapai.us

DEWEY OFFICE

Highway 89 & Fain Road, Dewey, AZ
(Mailing Address: Prescott)
Phone (928) 771-3385, Fax (928) 771-3364

COTTONWOOD OFFICE

411 S. 14th St., Cottonwood, AZ 86326
Phone (928) 639-8148, Fax (928) 639-8157

EXHIBIT C

Judian Society
410 W. Gurley St.
Prescott, Arizona 86301
928-778-2725

July 30, 2016

To Whom It May Concern:

This letter is being provided as a character reference for Mr. Michael P. Thieme. Mr. Thieme has been a friend of the Judian Society since 2013 when he became acquainted with the work of our society by supporting our homemade bake shop. We have become acquainted with his wife and family, as well as his love of his Polish heritage, and personal religious convictions.

Mr. Thieme often visits our bakery, and is interested in the work that we do in advocating for women in crisis by providing emergency housing, food, clothing, and medical attention. He supports our commitment to children born and unborn as well as of the women we serve. Mr. Thieme is an advocate for the safety and protection of women in crises, which often means a woman with a child on the way, or various children in tote. Our focus is women in crisis whether a mother or not.

It is important that we have the support of professional people like Mr. Thieme, as we strive to gain public awareness. We have been blessed with the legal services that he has provided to us pro bono, as a local attorney, as we maneuver the legal aspects of operating a home for women.

We have found a new sense of affirmation and security in knowing that we are being provided such great care and counsel out of the kindness of his heart.

In our area of work we witness each day the mishaps of people's lives, and their struggles in the face of adversity. We realize profoundly the flaws of human nature. We gain inspiration by the wisdom and hope of St. John Paul II of Poland who knew very well the challenges of adversity and oppression in the world, as he spoke of mercy and peace, and told the world "Be Not Afraid". We hope the best for Mr. Thieme in his hour of need, and keep him in our prayers that God's mercy endures forever.

Thank You,

Diane Rivera, Co-Founder *Diane Rivera*
Kathleen Reinhardt Co-Founder *Kathleen Reinhardt*
Monica Rivera, Member *Monica Rivera*
Mary Watson, Member *Mary Watson*

O'LEARY EATON, P.L.L.C.



WILLIAM J. O'LEARY, P.C.*

Attorney At Law
bill@olearyeaton.com
928-445-1856 ext. 105

*A Professional Corporation

December 7, 2016

The State Bar of Arizona

Re: **Michael P. Thieme**

To Whom It May Concern:

I am one of the founding partners of O'Leary Eaton, P.L.L.C., and have practiced law in Arizona since 1993. Mike Thieme joined our law firm nine (9) years ago, and has been with us since that time. His diligence and dedication to the firm's clients has been the same when he started, after the March 2012 incident, during the pendency of his criminal proceedings, and after he was convicted and sentenced. I am writing to request that any sanctions imposed on Mike take into account the remoteness of the March 2012 incident, as well as his work ethic and dedication.

During Mike's sentencing, I came to speak on his behalf, as did two clients of our firm. I do not believe that Mike has an ongoing substance abuse problem, and I have never received any feedback from anyone in the community that would indicate anything to the contrary. Mike was not sentenced to serve any time in jail, apart from being given credit for the mandatory (1) day that he had served in 2012 when the police broke into his house and arrested him. Suspending Mike from the practice of law for an extended period of time would accomplish little to protect the public; however, it would cause a substantial hardship to our small firm, as we rely on Mike to make frequent court appearances in various routine cases that our firm handles.

Mike, as an associate attorney, is supervised in his work by the firm's partners on a daily basis; he does not handle any client trust funds. I would be glad to provide monthly progress reports to the State Bar about Mike's work performance, if such would be helpful to his case.

Very truly yours,

William J. O'Leary

115 Grove Avenue
Prescott, Arizona 86301
Phone: (928) 445-1856
Fax: (928) 445-1782

O'LEARY EATON, P.L.L.C.



JAY R. EATON
Attorney At Law
jeaton@olearyeaton.com
928-445-1856 ext 102

December 7, 2016

The State Bar of Arizona

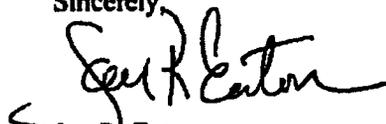
Re: Michael P. Thieme

To Whom It May Concern:

I am writing to request that the State Bar exercise its discretion, and take into account Mike's upstanding character, lack of prior criminal/disciplinary record, and good reputation among our clients when deciding what sanctions to impose. In fact, many of our firm's clients have continued to express support for Mike even after his conviction. They know that the quality of the work he has performed for them has remained unaffected to this day. If the State Bar imposes a lengthy suspension on Mike, the practical effect of such sanction will be to punish the firm and our clients. Mike has told me about some of the conditions of his supervised probation, as well as the sanctions imposed by the Motor Vehicle Department, and objectively speaking, it would seem that those sanctions will sufficiently ensure that the public is adequately protected.

Due to his driver's license having been taken away by the Motor Vehicle Department, Mike is not able to drive a motor vehicle right now. I, as his neighbor in the Williamson Valley Ranch subdivision, have been driving him to and from work on most weekdays. Mike is always punctual and ready when I arrive to pick him up, and exhibits a positive attitude every day. From my daily observations of him, I do not believe that he has any ongoing substance abuse problem. There is certainly nothing in his work ethic, my observations of his daily appearance, and the feedback that I have received from clients that would suggest anything to the contrary is true.

Sincerely,



Jay R. Eaton

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115 Grove Avenue
Prescott, Arizona 86301
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MILLER SHAW, PLLC

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October 11, 2016

Honorable Tina Ainley
Judge of the Yavapai County Superior Court

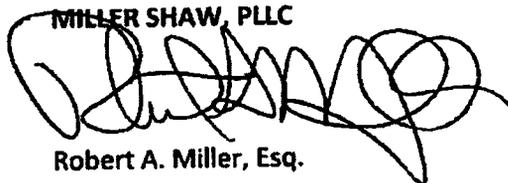
Re: Michael Thieme

Dear Judge Ainley:

I am an attorney going into my 29th year of practicing law. I have practiced law in Prescott and Yavapai County since 1998 and am very familiar with the legal society in this vicinity. And that includes knowing Michael Thieme on a professional and personal level. I have known Mike since 2007 when the law firm in which I was then a partner hired him as an associate attorney. Mike and I worked together closely for the following two years, at which time I parted with that firm, and since then we have had regular business contact on various matters. He has always presented himself in a professional, courteous and ethical manner, while advocating vigorously for his client. In court, he has always shown the greatest respect for the legal system and the judges. He presents his client's position competently, but within all ethical bounds. I have personal knowledge of his relations with several clients and they have spoken nothing but the best in regards to his representation, character and professional abilities. Mike is an asset to the legal community in Yavapai County and it would be in this profession's best interests to retain him as an attorney in good standing. If you have any questions, or would like to further discuss my dealing with Mike, I would be pleased to do so. Thank you.

Respectfully,

MILLER SHAW, PLLC



Robert A. Miller, Esq.

RAM/

EXHIBIT D

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**MICHAEL P. THIEME,
Bar No. 024124,**

Respondent.

PDJ 2017-9021

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 16-2470]

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, Michael P. Thieme, is hereby suspended from the practice of law for six (6) months for violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective from December 14, 2016, the date on which Respondent's interim suspension commenced.

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

IT IS FURTHER ORDERED that, LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of his reinstatement, to schedule an assessment. The Compliance Monitor shall

develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

IT IS FURTHER ORDERED that Respondent shall comply with all terms of his criminal probation.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge or the State Bar at the time of reinstatement.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall comply with the requirements relating to notification of clients and others, as previously ordered. If Respondent had already complied with the notification requirements of Rule 72 after the time of the issuance of the Interim Order of Suspension dated December 14, 2016, no additional notification is required at this time.

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

DATED this _____ day of May, 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 May, 2017.

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

Michael P. Thieme
3950 West Borden Trail
Prescott, Arizona 86305
Email: mike@olearyeaton.com
and az24124@yahoo.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of May, 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 May, 2017, to:

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

by: _____