

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**CARL ROBERT ANDERSON,**  
**Bar No. 024244**

Respondent.

**PDJ 2018-9040**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 17-0797]

**FILED SEPTEMBER 7, 2018**

The Presiding Disciplinary Judge, having reviewed the Agreement for Discipline By Consent filed on August 30, 2018, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement. Accordingly:

**IT IS ORDERED** Respondent, **Carl Robert Anderson**, is reprimanded 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** Mr. Anderson shall be placed on probation for a period of two (2) years, effective immediately.

**IT IS FURTHER ORDERED** Carl Robert Anderson shall participate in the following programs:

1. LOMAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this order. Respondent shall

submit to a LOMAP examination of their 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** Respondent 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 disciplinary clerk and/or Presiding Disciplinary Judge's Office in these proceedings.

**DATED** this 7th day of September, 2018

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

Copy of the foregoing emailed this 7th day of September, 2018, and mailed September 10, 2018, to:

Carl Robert Anderson  
The Anderson Law Firm PLC  
5627 W. Cavedale Drive  
Phoenix, AZ 85083-6374  
Email: [Carl@TheAndersonLawFirmAZ.com](mailto:Carl@TheAndersonLawFirmAZ.com)  
Respondent

Bradley F. Perry  
Staff Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: [AMcQueen](#)

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**CARL ROBERT ANDERSON,**  
**Bar No. 024244**

Respondent.

**PDJ 2018-9040**

**DECISION ACCEPTING  
DISCIPLINE BY CONSENT**

[State Bar No. 17-0797]

**FILED SEPTEMBER 7, 2018**

Under Rule 57(a), Ariz. R. Sup. Ct.,<sup>1</sup> an Agreement for Discipline by Consent (“Agreement”), was filed August 30, 2018. A Probable Cause Order issued on May 4, 2018 and the formal complaint was filed on May 24, 2018.

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. Anderson 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

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<sup>1</sup> Unless otherwise stated all Rule references are to the Ariz. R. Sup. Ct.

proposed form of discipline. Under Rule 53(b)(3) notice of the agreement and an opportunity to object was sent to Complainant by email on August 9, 2018. No objections have been received.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by reference. Mr. Anderson conditionally admits he violated Rule 42, ERs 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.4(c) (knowingly disobey an obligation under tribunal), and 8.4(d) (conduct prejudicial to the administration of justice). The misconduct is briefly summarized.

In September 2012, Mr. Anderson was retained by a company (Sun City RV) to handle all matters of litigation and business transactions. Thereafter, Mr. Anderson failed to file an answer on behalf of the company in a breach of contract matter and failed to respond to the motion for summary judgment. Because of his failures, a \$26,000 judgment was imposed against the client. Mr. Anderson also failed to adequately communicate with the client by failing to timely inform the client of his lack of diligence and the subsequent judgment.

In a separate matter involving Sun City RV, Mr. Anderson in February 2013 failed to provide an initial disclosure statement and failed to respond to a request for admissions. He further failed to respond to the motion to deem the requests admitted and motion for partial summary judgment and the admissions were deemed admitted by the court in August 2013. In September 2013, Mr. Anderson moved to vacate the

admission. The Court denied the motion and awarded partial judgment against Respondent's client totaling \$55,000.00. A second motion for summary judgment was filed by opposing counsel and Mr. Anderson also failed to respond to the motion and a judgment for \$67,250.00 was entered. Mr. Anderson again failed to timely inform the client of his lack of diligence and judgment.

In a third matter involving Sun City RV, Mr. Anderson filed a complaint in May 2013 in justice court. Opposing counsel sent Mr. Anderson a letter on two occasions in August and September 2013 regarding settlement. Mr. Anderson failed to respond. Mr. Anderson further failed to respond to motions involving requests for judgment and award for attorney fees. The Court granted opposing counsel's request, dismissed all claims filed by Mr. Anderson filed on behalf of the client and entered a judgment for \$4,467.00. Mr. Anderson's malpractice carrier ultimately settled the client's malpractice claims.

Rule 58(k) provides sanction shall be determined under the *American Bar Association Standards for Imposing Lawyer Sanctions*, ("*Standards*"). The parties stipulate that *Standard 4.42(b), Lack of Diligence* applies. It provides that suspension is generally appropriate when a lawyer engages in a pattern of neglect and causes injury or potential injury to a client. On multiple occasions, Mr. Anderson failed to adequately communicate and diligently represent his client. His negligent misconduct violated his duties to his and caused actual injury to the client.

The parties stipulate in aggravation is factor 9.22(c) pattern of misconduct. In mitigation are factors 9.32 (a) absence of a prior disciplinary record, 9.32(b) absence of dishonest or selfish motive, 9.32(d) timely good faith effort to make restitution, and 9.32(l) remorse.

The mitigating factor of remorse is more than the expression of a feeling or the countenance of a regretful mood. Remorse requires that the attorney confront the blank darkness of one's own conduct, its' impact on others or the administration of justice and respond with demonstrable, measurable deeds. The way the respondent goes about that, the spirit with which the failing is handled rather than ignored, requires working through the process of reconciliation. That is crucial to real remorse.

Remorse demonstrates the evolving viewpoints and points of progression along life's journey that accurately and sensitively prove the engagement of the respondent in meaningful resolution and rehabilitation. This is best exemplified by actions that objectively demonstrate the claimed remorse. This effort with its' concomitant insight allows respondents to receive what they don't otherwise deserve, mitigation.

Mr. Anderson has established his extreme remorse by such demonstrable action and reflection. Upon discovering that he permitted a busy schedule to compromise his representation, he immediately notified his client and provided the name of his malpractice carrier, reimbursing the client. His points of progression are proven by his decision to change his membership status to inactive to enable him to reflect on his

misconduct and how best to modify his practice to prevent future instances of it. His reflection has led to his recognition that he is not well suited to trial practice and he has transformed his practice to solely transactional work.

The facts of the misconduct are dark and warrant suspension. The facts of remorse are illuminating and warrant mitigation. Remorse makes logical why the purpose of attorney discipline is not to punish the offending lawyer. The parties stipulate and this judge agrees that a reduction in the presumptive sanction of suspension is justified based on the mitigating factors present in the record. The PDJ notes that a knowing mental state is required for a violation of ER 3.4(c), however, reprimand and probation are appropriate sanctions for Mr. Ander's misconduct and overall, the stipulated sanction fulfills the purposes of discipline.

Accordingly:

**IT IS ORDERED** accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanction is reprimand and two years of probation (LOMAP). A final judgment and order is signed this date.

**DATED** this 7<sup>th</sup> day of September, 2018.

*William J. O'Neil*  

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

Copy of the foregoing emailed  
this 7th day of September, 2018, and  
mailed September 10, 2018, to:

Carl R. Anderson  
The Anderson Law Firm, PLC  
5627 W. Cavedale Drive  
Phoenix, AZ 85083-6374  
[Carl@TheAndersonLawFirmAZ.com](mailto:Carl@TheAndersonLawFirmAZ.com)  
Respondent

Bradley F. Perry  
Staff Bar Counsel  
*State Bar of Arizona*  
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Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by: AMcQueen

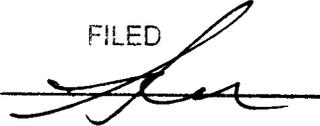
Bradley F. Perry, Bar No. 025682  
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OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

MAY 24 2018

FILED

BY



**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**CARL ROBERT ANDERSON,  
Bar No. 024244,**

Respondent.

PDJ 2018- 9040

**COMPLAINT**

[State Bar No. 17-0797]

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 February 16, 2006.

2. In 2011, Respondent began representing HOAs managed by Brown Management, a property management company. By 2012, Brown Management was

handling all of Respondent's secretarial and paralegal services, including receiving mail and updating his calendar. This included paralegal and secretarial services for clients, such as Sun City RV, that were totally unrelated to Brown Management and Respondent's HOA practice.

3. Respondent allowed employees at Brown Management, which is not a law firm and not run by Respondent, to access confidential client information unrelated to Brown Management's HOAs.

**COUNT ONE (File No. 17-0797/Niday)**

2. In September 2012, Sun City RV, Inc. hired Respondent to represent them in "all matters of litigation or business transactions."

3. On September 25, 2012, Raid Computing, L.L.C., (Raid) filed a complaint against Sun City RV for breach of contract in Maricopa County Superior Court case CV 2012-055807. In October 2012, Respondent filed an answer on behalf of Sun City RV.

4. In April 2013, Raid sent Sun City a request for admissions, non-uniform interrogatories, and preservation of evidence. Respondent did not respond.

5. In May 2013, Raid filed a motion for summary judgment based, in part, on the deemed-admitted admissions. Respondent did not respond to the motion for summary judgment.

6. In July 2013, the Court granted the motion for summary judgment in favor of Raid.

7. Respondent did not inform his client of the request for admissions, the Motion for Summary Judgment, or the Court's ruling on the matters. Sun City did not learn that summary judgment was awarded against them until they were served with a notice of debtor's exam in October 2013.

8. Sun City had to pay approximately \$26,000.00 to satisfy the judgment.

9. In February 2013, Greg Chilcote filed a complaint against Sun City RV for breach of contract in Maricopa County Superior Court case CV2013-001114. In March 2013, Respondent filed an answer on behalf of Sun City.

10. Respondent failed to provide Sun City's 26.1 initial disclosure to Chilcote.

11. In March 2013, Chilcote sent Respondent a request for admissions. Respondent failed to respond to the request.

12. In June 2013, Chilcote filed a motion to deem the requests admitted. Respondent failed to respond to the request.

13. In July 2013, Chilcote filed a motion for partial summary judgment. Respondent did not respond to the motion.

14. In August 2013, the Court entered an order deeming the request for admissions admitted.

15. In September 2013, Respondent filed a motion to vacate the admissions. The Court denied the motion and awarded partial judgment against Sun City in the amount of \$55,000.00. Later that month, Chilcote filed a second motion for summary judgment. Respondent failed to respond to the motion.

16. The Court entered judgment against Sun City on all but one of the remaining counts in the amount of \$67,250.00.

17. Respondent never informed his client of the request for admissions or the motions for summary judgment.

18. In May 2013, Respondent filed a complaint on behalf of Sun City RV against Magic Touch Mechanical, L.L.C., in justice court case CC2013-076995.

19. Respondent stopped communicating with his client after filing the complaint.

20. On August 20, 2013, opposing counsel sent Respondent a letter by mail and email attaching a notice of appearance and suggesting settlement.

21. On September 3, 2013, opposing counsel sent Respondent a second letter.

22. Respondent failed to respond to both the August 20 and September 13, 2013, letters.

23. On October 21, 2013, the Court entered an order requiring all parties to appear for a pretrial conference on December 3, 2013. Respondent failed to appear.

24. Between December 3, 2013, and February 24, 2014, Magic Touch Mechanical filed a motion entitled "Notice of Plaintiff's failure to appear & Request for Judgment and Award of Attorney's Fees." Respondent did not respond to the motion.

25. On February 24, 2014, the Court granted Magic Touch Mechanical's motion, dismissed all claims filed by Sun City RV, and entered judgment against Sun City in the amount of \$4,467.00.

26. Respondent did not notify his client of the judgment. The client learned of the judgment when he received an August 6, 2014, order from the Court to appear for a September 23, 2014, debtor's exam.

27. Respondent's conduct in this matter violates Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4, 1.6, 3.4(c), 5.3, and 8.4(d).

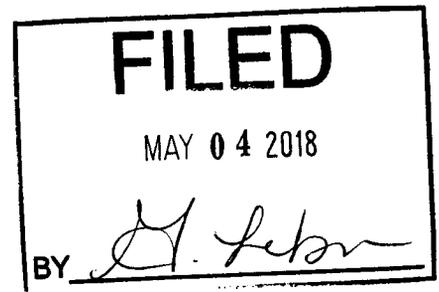
DATED this 24<sup>th</sup> day of May, 2018.

**STATE BAR OF ARIZONA**

  
\_\_\_\_\_  
Bradley F. Perry  
Staff Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 24<sup>th</sup> day of May, 2018.

by:   
\_\_\_\_\_  
BFP:sab



**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,**

**CARL ROBERT ANDERSON,  
Bar No. 024244,**

Respondent.

No. 17-0797

**PROBABLE CAUSE ORDER**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on April 13, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 17-0797.

**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 3rd day of May, 2018.

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

<sup>1</sup> Committee member Judge Lawrence F. Winthrop did not participate in this matter.

Original filed this 4<sup>th</sup> day  
of May, 2018, 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 7<sup>th</sup> day  
of May, 2018, to:

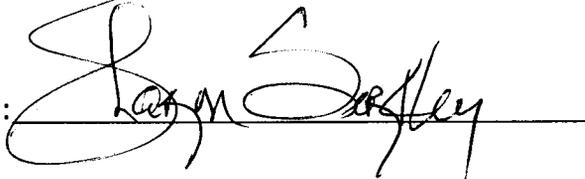
Carl Robert Anderson  
The Anderson Law Firm, PLC  
5627 W. Cavedale Drive  
Phoenix, Arizona 85083-6374  
Respondent

Copy emailed this 7<sup>th</sup> day  
of May, 2018, to:

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E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by:

A handwritten signature in black ink, appearing to read "Lynn S. Jeffrey", is written over a horizontal line. The signature is cursive and somewhat stylized.