

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**SHERLE R. FLAGGMAN,**  
**Bar No. 019079**

Respondent.

**PDJ 2017-9123**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 16-4163]

**FILED JANUARY 18, 2018**

The Presiding Disciplinary Judge, having reviewed the Amended Agreement for Discipline by Consent filed on January 10, 2018, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed Amended Agreement. Accordingly:

**IT IS ORDERED** Respondent, **Sherle R. Flaggman, Bar No. 019079**, is admonished for conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this order.

**IT IS FURTHER ORDERED** Ms. Flaggman shall be placed on probation for one (1) year. The only term of probation is that in addition to her annual MCLE requirements, Ms. Flaggman shall complete the following Continuing Legal Education ("CLE") within ninety (90) days: *Meet the New Rules: The Restyled Arizona Rules of Civil Procedure* [3.25 hours]; and *Candor Courtesy & Confidences: Common Conundrums* [2.5 hours]. Ms. Flaggman shall provide the

State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes. Ms. Flaggman shall contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Ms. Flaggman shall also be responsible for the cost of the CLE.

### **NON-COMPLIANCE WITH PROBATION**

If Ms. Flaggman fails to comply with any of the foregoing probation terms, and the State Bar of Arizona receives information thereof, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5). The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, whether to impose an appropriate sanction. If there is an allegation that Ms. Flaggman 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.

**IT IS FURTHER ORDERED** Ms. Flaggman shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within thirty (30) days.

**DATED** this 18<sup>th</sup> day of January, 2018.

*William J. O'Neil*  

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

Copies of the foregoing emailed  
this 18th day of January, 2018, and  
mailed January 19, 2018, to:

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

Stephen M. Dichter  
*Christian Dichter & Slugs PC*  
2700 North Central Avenue, Suite 1200  
Phoenix, AZ 85004-1139  
Email: sdichter@cdslawfirm.com  
Respondent's Counsel

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**SHERLE R. FLAGGMAN,**  
**Bar No. 019079**

Respondent.

**PDJ-2017-9123**

**DECISION AND ORDER  
ACCEPTING AMENDED  
AGREEMENT FOR DISCIPLINE  
BY CONSENT AND GRANTING  
MOTION TO SEAL**

[State Bar No. 16-4163]

**FILED JANUARY 18, 2018**

A Probable Cause order issued on August 30, 2017. The parties filed their Agreement for Discipline by Consent (Agreement) on November 29, 2017 pursuant to Rule 57(a), Ariz. R. Sup. Ct., prior to the issuance a formal complaint. The State Bar is the complainant, therefore notice and an opportunity to object as required by Rule 53(b)(3), Ariz. R. Sup. Ct., is unnecessary. The PDJ recommended a modification on December 21, 2017.

The State Bar moved for additional time to consider the modification. The motion was granted. On January 10, 2018, an Amended Agreement was filed in accordance with the requested modification. Ms. Flaggman previously moved for a protective order. For the reasons stated in the motion, that order was granted and the documents so identified and attached to the modified agreement remain sealed.

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. Ms. Flaggman 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.

The Amended Agreement details a factual basis to support the conditional admissions. Ms. Flaggman conditionally admits she violated Rule 42, ERs 3.3 (candor before tribunal) and 8.4(d) conduct prejudicial to the administration of justice. The agreed upon sanctions include an admonition and one (1) year of probation to include 5.75 hours of continuing legal education (CLE), and costs totaling 1,200.00 within thirty (30) days from this order.

The parties agree to an admonition and one (1) year of probation (CLE). Ms. Flaggman shall also pay the State Bar’s costs and expenses totaling \$1,2000.00. The objective of discipline is met by the admonition.

Now Therefore,

**IT IS ORDERED** accepting the Amended Agreement and incorporating it by this reference and any other supporting documents including the request for

modification by the PDJ. The agreed upon sanctions are admonition, one (1) year of probation, in addition to her annual CLE requirement that she complete six hours of specified CLE within ninety days of this order and pay costs and expenses totaling \$1,200 within thirty (30) days 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 18<sup>th</sup> day of January, 2018.

*William J. O'Neil*  

---

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

Copies of the foregoing emailed  
this 18th day of January, 2018, and  
mailed January 19, 2018, to:

Bradley F. Perry  
Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
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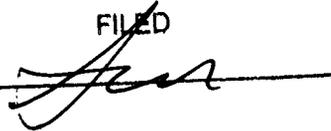
Stephen M. Dichter  
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2700 North Central Avenue, Suite 1200  
Phoenix, AZ 85004-1139  
Email: sdichter@cdslawfirm.com  
Respondent's Counsel

by: AMcQueen

Bradley F. Perry, Bar No. 025682  
Staff Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7247  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JAN 10 2018

FILED  
BY 

Stephen M. Dichter, Bar No. 004043  
Christian Dichter & Sluga, PC  
2700 North Central Avenue, Suite 1200  
Phoenix, Arizona 85004-1139  
Telephone 602-253-5808  
Email: [sdichter@cDSLfirm.com](mailto:sdichter@cDSLfirm.com)  
Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**SHERLE R. FLAGGMAN,  
Bar No. 019079,**

Respondent.

**PDJ 2017-9123**

State Bar File Nos. **16-4163**

**AMENDED AGREEMENT FOR  
DISCIPLINE BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Sherle R. Flaggman, who is represented in this matter by counsel, Stephen M. Dichter, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A Probable Cause Order was entered on August 30, 2017,

but no formal complaint has been filed in this matter. 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.

The State Bar is the Complainant 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 her conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 3.3 and 8.4(d). Upon acceptance of this Agreement, Respondent agrees to accept imposition of the following discipline: Admonition with one (1) year of probation, the term of which shall be completion of 5.75 hours of continuing legal education in addition to the 15 hours required of all attorneys. 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.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

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<sup>1</sup> 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 October, 16, 1998.

#### COUNT ONE (File No. 16-4163/ Arizona)

2. Plaintiff Steven Coates filed suit against Maricopa County, Sheriff Joseph Arpaio, and the Maricopa County Special Healthcare District (MCSHD) for failing to provide Mr. Coates necessary medical care while he was incarcerated in the county jail. Respondent represented Maricopa County and Sheriff Arpaio.

3. On April 9, 2014, Respondent filed a Motion to Dismiss for failure to state a claim. On April 11, 2014, MCSHD filed a Motion to Dismiss based on Plaintiff's failure to file the Certificate required by ARS §12-2603. The Court granted MCSHD's motion by stipulation and after oral argument denied the Motion To Dismiss filed by Respondent on behalf of Sheriff Arpaio and Maricopa County.

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

4. Respondent filed an Answer on behalf of Sheriff Arpaio and Maricopa County on August 20, 2014. On September 2, 2014, Respondent sent Plaintiff non-uniform interrogatories.

5. On October 7, 13, and 28, 2014, Respondent sent Plaintiff correspondence requesting his initial disclosure, a response to the interrogatories, and a phone call to discuss the case. Respondent received no response from Plaintiff.

6. On November 4, 2014, Respondent filed a Motion To Dismiss for Failure to Prosecute alleging Plaintiff never responded to Respondent's non-uniform interrogatories and failed to submit an initial disclosure statement.

7. On December 1, 2014, Respondent filed a Motion for Summary Disposition on the grounds that Plaintiff failed to respond to the November 4, 2014, Motion to Dismiss. The motion was ultimately denied.

8. On January 21, 2015, Respondent submitted Requests for Admissions to Plaintiff pursuant to Rule 36(a) Ariz. R. Civ. P. Plaintiff responded outside the time contained in the rule, but within the mailing time.

9. On March 10, 2015, Respondent filed a Motion For Summary Judgment alleging Plaintiff failed to respond to the Request For Admissions and therefore the requests should be deemed admitted. On the same day, Plaintiff

contacted Respondent by email and informed her the Plaintiff's response was timely due to the addition of mailing time.

10. Respondent agreed that Plaintiff's response was timely submitted and that she miscalculated the due date.

11. Plaintiff did not file a response to the Motion For Summary Judgment, nor did Respondent file a notice of withdrawal of the motion or otherwise alert the court to her error in calculating the due date for Plaintiff's response to the request for admissions. Respondent believed Plaintiff was going to file a response to the motion and raise the calculation error, to which Respondent would agree.

12. All of the foregoing notwithstanding, Respondent continued to defend the case based on her belief that the Motion For Summary Judgment would be properly denied. Respondent prepared and sent disclosure statements to Plaintiff's counsel, including expert disclosures, set Plaintiff's deposition, and corresponded with Plaintiff's counsel.

13. On May 5, 2015, the Court issued an order granting the Motion For Summary Judgment. Neither Plaintiff nor Respondent alerted the Court to the fact that the motion was predicated on an error.

14. Respondent spoke with other attorneys in her office about how to proceed once the Motion For Summary Judgment was granted. The consensus amongst her peers was that Plaintiff's continued inaction showed that he was accepting dismissal and the ball was in his court if he wanted to keep the case going.

15. On June 3, 2015, based on the advice of her colleagues, Respondent filed a Notice of Lodging Judgment. The form of judgment submitted granted the Motion For Summary Judgment. Plaintiff did not object to the proposed judgment.

16. Finally, on June 9, 2015, Plaintiff filed his objection to the Motion For Summary Judgment and a Motion For Reconsideration alleging the response to the Request For Admissions was timely provided.

17. On June 17, 2015, Respondent filed a response to the Motion For Reconsideration stating the County and Sheriff did not object.

18. On June 29, 2015, the Court rotated judicial calendars and a new judge was assigned to the case. Not seeing the Motion For Reconsideration and the response agreeing to the reconsideration in the Court file, the newly assigned Judge surprised the Parties by signing the pending judgment on August 5, 2015, thereby dismissing the case. Both Plaintiff and counsel for Respondent were endorsed on the order.

19. Believing Plaintiff's inaction signaled his desire for the case to be dismissed, Respondent filed no notice alerting the Court to the pending Motion For Reconsideration or to the fact that the Motion For Summary Judgment was based on an erroneous calculation.

20. On February 5, 2016, just as the six-month period to do so was about to expire, Plaintiff filed a Motion For Relief pursuant to Rule 60(c) Ariz. R. Civ. P.

21. The Court granted Plaintiff's motion on March 2, 2016, reinstating the case.

22. The Court later held a hearing in which it criticized Plaintiff's counsel for the manner in which he had handled the case and advised that the Court was going to refer Plaintiff's counsel to the State Bar of Arizona for the consideration of disciplinary charges. The Court did not criticize Respondent or suggest that Respondent ought to be subject to potential Bar discipline.

23. The underlying matter was dismissed by stipulation on July 6, 2016.

### **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 her conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 3.3 and 8.4(d).

### **RESTITUTION**

Restitution is not an issue in this matter.

### **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: Admonition with one (1) year of probation, the term of which shall be completion of 5.75 hours of continuing legal education in addition to the 15 hours required of all attorneys.

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 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 agree that Standard 6.13 is the appropriate standard given the facts and circumstances of the matter. Standard 6.13 states that “[r]eprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.”

**The duty violated**

As described above, Respondent’s conduct violated her duty to the legal system.

**The lawyer’s mental state**

For purposes of this Agreement, the parties agree that Respondent knowingly failed to inform the Court that the Motion For Summary Judgment was based on an erroneous calculation and knowingly filed the proposed judgement.

While Respondent acted knowingly when she failed to inform the Court and when she filed the proposed judgment, her actions were predicated on negligent beliefs. Respondent believed that Plaintiff, as the party opposing the summary judgement, would take the proper steps to object. Respondent intended to endorse, as she did when Plaintiff finally objected, the anticipated objection, thereby ensuring

the premature Motion For Summary Judgment was appropriately denied. Respondent signaled her agreement with Plaintiff's position on June 17, 2015, when she filed a Statement of No Objection to Plaintiff's Motion For Reconsideration and again when Plaintiff filed the February 2016, Motion For Relief.

When deciding whether to file the form of judgment, Respondent negligently relied on the advice of her co-workers in determining that Plaintiff's inaction signaled his consent to dismiss the case.

**The extent of the actual or potential injury**

For purposes of this Agreement, the parties agree that there was potential harm to a party to the legal proceeding. However, the harm was, in this case, theoretical. Plaintiff actually benefited from the improper dismissal because it gave him more time to try to obtain an expert to support his claim. Plaintiff ultimately dismissed the case because he could not find an expert.

**Aggravating and mitigating circumstances**

The parties conditionally agree that the following aggravating and mitigating factors should be considered.

**In aggravation:**

None

**In mitigation:**

Standard 9.32 Factors which may be considered in mitigation.

Mitigating factors include:

- (a) absence of a prior disciplinary record;
- (b) absence of a dishonest or selfish motive;
- (c) Exhibit B, to be sealed by Order of the Presiding Disciplinary Judge.
- (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
- (g) character or reputation (Exhibit C);
- (l) remorse

**CONCLUSION**

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, a mitigated sanction is appropriate. 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 admonition with one (1) year of probation, the term of which shall be completion of 5.75 hours of continuing legal education in addition to the 15 hours required of all attorneys and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit D.

DATED this 10<sup>th</sup> day of January 2018.

**STATE BAR OF ARIZONA**



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

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

DATED this \_\_\_\_\_ day of January, 2018.

\_\_\_\_\_  
Sherle R. Flaggman  
Respondent

DATED this \_\_\_\_\_ day of January, 2018.

Christian Dichter & Sluga PC

\_\_\_\_\_  
Stephen M. Dichter  
Counsel for Respondent

sanction of admonition with one (1) year of probation, the term of which shall be completion of 5.75 hours of continuing legal education in addition to the 15 hours required of all attorneys and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit D.

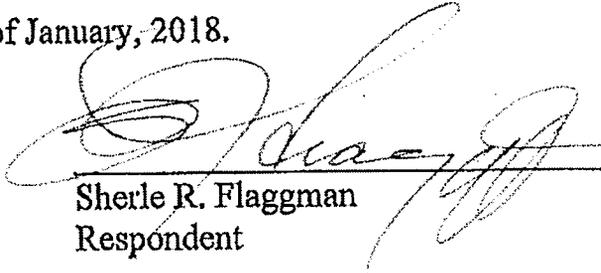
DATED this \_\_\_\_\_ day of January 2018.

STATE BAR OF ARIZONA

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

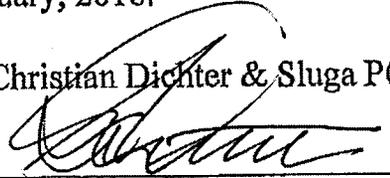
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 9<sup>th</sup> day of January, 2018.

  
\_\_\_\_\_  
Sherle R. Flaggman  
Respondent

DATED this 9<sup>th</sup> day of January, 2018.

Christian Dichter & Sluga PC

  
\_\_\_\_\_  
Stephen M. Dichter  
Counsel for Respondent

**Original** filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 10<sup>th</sup> day of January, 2018.

**Copy** of the foregoing emailed  
this 10<sup>th</sup> day of January, 2018, to:

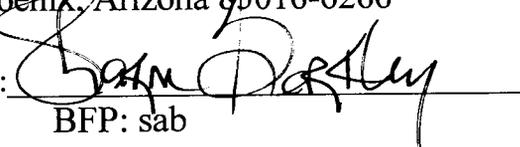
The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

**Copy** of the foregoing mailed/emailed  
this 10<sup>th</sup> day of January, 2018, to:

Stephen M. Dichter  
Christian Dichter & Sluga, PC  
2700 North Central Avenue, Suite 1200  
Phoenix, Arizona 85004-1139  
Email: [sdichter@cdslawfirm.com](mailto:sdichter@cdslawfirm.com)  
Respondent's Counsel

**Copy** of the foregoing hand-delivered  
this 10<sup>th</sup> day of January, 2018, to:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> 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,  
Sherle R. Flaggman, Bar No. 019079, Respondent

File No. 16-4163

### 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

(PENDING REQUEST FOR PROTECTIVE ORDER)

These documents contain confidential information  
and are pending a Request For Protective Order

EXHIBIT C



# Maricopa County Attorney

BILL MONTGOMERY

November 2, 2017

The Hon. William J. O'Neil  
Presiding Disciplinary Judge  
1501 W. Washington St.  
Phoenix, AZ 85007-3329

Dear Judge O'Neil:

Re: Deputy County Attorney Sherle Flaggman  
No. 16-4163

With the permission of Maricopa County Attorney William G. Montgomery and his Chief Deputy Mark C. Faull, I submit this letter from me on behalf of the character and fitness of Deputy County Attorney Sherle Flaggman.

By way of qualifications to support my opinion, I was admitted to the practice of law in Colorado in 1963 and in Arizona in 1969. Until Mr. Montgomery's election in 2010, I was essentially a full-time civil trial lawyer, trying significant cases in Arizona and other states, and for several years was Managing Partner of the firm then known as Lewis & Roca.

When Mr. Montgomery was elected to office in November 2010, he invited me to join his office, first to assist him in negotiating the "return" of the civil attorneys who had been removed from former County Attorney Andrew Thomas by the then-Board of Supervisors, but ordered back in the *Romley v. Daughton* case of which you are aware; second to create "from scratch" an entirely new Civil Services Division in his office; and thirdly to be its Division Chief (much like the managing partner of a 40-lawyer law firm) in addition to continue as a Special Assistant to Mr. Montgomery for Inter-Governmental Relations, positions I hold today, though the title has recently been modified.

Those experiences gave me considerable exposure not only to the professional skills required for the hands-on practice of law but also an opportunity to form judgments on the character of the lawyers with whom I practiced, those against whom I practiced, and in the supervision of the lawyers in my executive position with the firm and since then with the Division I head.

Which is a long, perhaps somewhat immodest, way of saying I believe I know what I'm talking about when I tell you in this letter that I believe Ms.



## Maricopa County Attorney

BILL MONTGOMERY

Flaggman is a lawyer and person of high integrity and character. And say that I do.

Ms. Flaggman has been a Deputy County Attorney since long before the disastrous events surrounding the tenure of former County Attorney Andrew Thomas. She is a fully experienced, respected and skilled trial lawyer doing mostly the defense of health and medical care matters and whose record I believe to be spotless before this incident.

I first met her when we were creating the new Civil Services Division. She being a line-level trial lawyer, reports to her Litigation Practice Group Leader who in turn reports to me, and thus I know from her direct supervisors that she thinks and acts with the highest degree of professionalism. But I also have come to know her myself, partly because I've consulted her for her judgment on some medical malpractice issues and trial questions coming from other lawyers in our office, and partly because she has consulted me for counsel on how to handle the unprofessional conduct of an opposing counsel in the recent trial of a case she was first-chairing.

Thus I can unequivocally say that I believe her to be a person of high integrity, honor and professionalism.

I will also add, without invitation, that when this disciplinary matter arose, I personally reviewed the details of the matter, interviewed her at length myself, and consulted with her supervisor, all of which justifies my belief that this matter was grossly overcharged and pursued. Certainly she made a mistake, but it was not from ill-motive or lack of character.

# REDACTED



# Maricopa County Attorney

BILL MONTGOMERY

Thus I hope this letter will move you to be gentle with this truly fine person.  
Thank you for your consideration.

Douglas L. Irish  
Deputy Chief, Civil Services Division  
Special Assistant for Intergovernmental Relations  
Maricopa County Attorney's Office  
222 North Central Ave, Suite 1100  
Phoenix, Arizona 85004  
602-506-6173  
[irishd@mcao.maricopa.gov](mailto:irishd@mcao.maricopa.gov)



EXHIBIT D

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**SHERLE R. FLAGGMAN,  
Bar No. 019079,**

Respondent.

**PDJ 2017-9123**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 16-4163]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Amended Agreement for Discipline by Consent filed on \_\_\_\_\_, 2017, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed Agreement. Accordingly:

**IT IS HEREBY ORDERED** that Respondent, **Sherle R. Flaggman**, is hereby Admonished and placed on one (1) year of probation for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this Order or \_\_\_\_\_.

**IT IS FURTHER ORDERED** that, CLE: In addition to annual MCLE requirements, Respondent shall complete the following Continuing Legal Education ("CLE") program(s) within ninety (90) days from the date of service of this Order:

*Meet the New Rules: The Restyled Arizona Rules of Civil Procedure* [3.25 hours];  
*Candor Courtesy & Confidences: Common Conundrums* [2.5 hours]. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of handwritten notes. Respondent should contact the Compliance Monitor at 602-340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE.

**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.

**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 FURTHER ORDERED** that Respondent may request early termination of probation from the State Bar upon successful completion of the terms of probation and payment of all fees.

**DATED** this \_\_\_\_\_ day of January, 2018.

---

**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 January, 2018.

Copy of the foregoing mailed/mailed  
this \_\_\_\_\_ day of January, 2018, to:

Stephen M. Dichter  
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Respondent's Counsel

Copy of the foregoing emailed/hand-delivered  
this \_\_\_\_ day of January, 2018, to:

Bradley F. Perry  
Staff Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
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Copy of the foregoing hand-delivered  
this \_\_\_\_\_ day of January, 2018, to:

Lawyer Regulation Records Manager  
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Phoenix, Arizona 85016-6266

by: \_\_\_\_\_