

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

TROY B. FRODERMAN,
Bar No. 012717

Respondent.

PDJ 2018-9053

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 18-0106]

FILED OCTOBER 18, 2018

The Presiding Disciplinary Judge, having reviewed the Agreement for Discipline by Consent, accepts the parties' proposed agreement.

Accordingly:

IT IS ORDERED that **Troy B. Froderman**, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately from the date of this order.

IT IS FURTHER ORDERED Mr. Froderman shall be placed on probation for a period of two (2) years under LRO MAP from the date of the execution of his terms and conditions of probation.

IT IS FURTHER ORDERED, Mr. Froderman shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this Order, to schedule an assessment. The Compliance Monitor shall develop terms and

conditions of participation as the results of the assessment so indicate and the terms, including reporting requirements, are incorporated by reference. Mr. Froderman shall be responsible for any costs associated with participation with compliance.

NON-COMPLIANCE LANGUAGE

If Mr. Froderman fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Mr. Froderman 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 that Troy B. Froderman pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,209.63, 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 disciplinary proceedings.

DATED this 18th day of October, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this 18th day of October, 2018, to:

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

Karen Clark
Adams & Clark, PC
520 E. Portland Street
Phoenix, AZ 85004-1843
Email: karen@adamsclark.com

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

TROY B. FRODERMAN,
Bar No. 012717

Respondent.

PDJ 2018-9053

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 18-0106]

FILED OCTOBER 18, 2018

A Probable Cause Order issued on May 3, 2018 and the formal complaint was filed on June 27, 2018. Under Rule 57(a), Ariz. R. S. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed. Troy B. Froderman is represented by Karen Clark of *Adams & Clark, PC*. The State Bar of Arizona is represented by Senior Bar Counsel Craig D. Henley.

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. Froderman 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

¹ Unless otherwise stated all Rule references are to the Ariz. R. Sup. Ct.

proposed form of discipline. Notice of the Agreement and an opportunity to object within five (5) days pursuant to Rule 53(b)(3), was not required as the State Bar of Arizona is the complainant in this proceeding.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. On November 21, 2017, Mr. Froderman entered into a written plea agreement to one count of Endangerment, a class 6 undesignated felony and one count of Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, a class 1 misdemeanor. On January 2, 2018, Mr. Froderman was sentenced to 4 months incarceration on the DUI count and two years of probation on the Endangerment count. Mr. Froderman admits his conduct violated Rule 42, ER 8.4(b) (criminal conduct). The parties stipulate to a sanction of reprimand with two years of probation, the terms of which shall be participation in the Arizona State Bar's Member Assistance Program (MAP), and payment of costs of \$1,209.63 within thirty (30) days.

For purposes of the agreement, the parties stipulate Mr. Froderman knowingly engaged in criminal conduct which reflected adversely on his fitness to practice. He violated his duty to the public causing actual harm. The presumptive sanction is suspension.

The parties agree that aggravating factors 9.22(i) substantial experience in the practice of law and 9.22(k) illegal conduct are present. In mitigation are factors 9.32(a),

absence of prior disciplinary record, 9.32(e) full and free disclosure and cooperative attitude toward proceedings, 9.32(i) mental disability or chemical dependency including alcoholism, 9.32(g) character or reputation and 9.32(k) imposition of other penalties or sanction. Medical evidence was submitted to support mitigating factor 9.32(i) and the parties stipulate that a reduction in the presumptive sanction of suspension is justified.

IT IS ORDERED accepting the Agreement and incorporating it with any supporting documents by this reference. A final judgment and order is signed this date.

DATED this 18th day of October, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on this 18th day of October, 2018, to:

Craig D. Henley
State Bar of Arizona
4201 N 24th Street, Suite 100
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Respondent's Counsel

by: AMcQueen

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

OCT 9 2018

FILED
BY _____


Karen Clark, Bar No. 012665
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Email: karen@adamsclark.com
Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**TROY B. FRODERMAN
Bar No. 012717**

Respondent.

PDJ 2018-9053

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File No. 18-0106

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Troy B. Froderman, who is represented in this matter by counsel Karen Clark, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on May 3, 2018.

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 his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ER 8.4(b).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with Probation.

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.¹

The State Bar's Statement of Costs and Expenses is attached hereto as **Exhibit**

A.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, 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 October, 21, 1989.

COUNT ONE (File No. 18-0106/SBA)

2. On December 9, 2015 at approximately 5:41 pm, Respondent was involved in a minor two car accident in the parking lot of The Hideaway Lounge 3215 E. Thomas Road, Phoenix, Arizona.

3. The Phoenix Police Department was called and Respondent was stopped near the intersection of E. Pinchot and 32nd Street.

4. As part of the Phoenix Police Department investigation, the investigating officer observed Respondent exhibiting symptoms of intoxication and later discovered that Respondent had a blood alcohol concentration of .118.

5. On April 20, 2017, Respondent was indicted for two Class 4 felony counts of Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs.

6. Respondent was not charged with any violations for the minor accident or leaving the scene.

7. On November 21, 2017, Respondent entered into a written plea agreement to one count of Endangerment, a class 6 undesignated felony and one count of Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, a class 1 misdemeanor.

8. On January 2, 2018, Respondent was sentenced to the custody of the Maricopa County Sheriff's Office for four months on the DUI count and two years of probation for the Endangerment count.

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 42, Ariz. R. Sup. Ct., ER 8.4(b).

CONDITIONAL DISMISSALS

Not applicable.

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:

Reprimand with Two Years of Probation

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

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 the appropriate *Standard* given the facts and circumstances of this matter, subject to several mitigating factors, is:

Standard 5.12

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

The duty violated

As described above, Respondent's conduct violated his duty to the public.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly committed a criminal act that reflects adversely on the lawyer's fitness as a lawyer and that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

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

Aggravating and mitigating circumstances

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22 (i) substantial experience in the practice of law; and

Standard 9.22 (k) illegal conduct.

In mitigation²:

Standard 9.32 (a) absence of prior disciplinary record;

Standard 9.32 (e) full and free disclosure and cooperative attitude toward proceedings;

Standard 9.32 (i) mental disability or chemical dependency including alcoholism;³

² Respondent submitted a mitigation letter to the State Bar (“Respondent’s 3/22/18 Mitigation Letter”) during the investigation of this matter. It is attached as **Exhibit B**. Exhibit 1 to that letter consists of a copy of Respondent’s medical records. The PDJ issued a Protective Order on 3/27/18, ordering that the medical records contained in Exhibit 1 to Respondent’s 3/22/18 Mitigation Letter be **sealed from the public**.

³ Dr. Lisa Jones performed an evaluation of Respondent and produced a report dated April 6, 2018, which was provided to the State Bar during this investigation. A copy of her report (and CV) is attached as **Exhibit C**. This document is the

Standard 9.32 (g) character or reputation; and

Standard 9.32 (k) imposition of other penalties or sanctions.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is not appropriate and should be deviated to Reprimand with Probation.

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:

In addition to the foregoing, Respondent has provided the State Bar with medical records and reports demonstrating that he suffered a debilitating medical event in March 2017. Due to this medical event he can never again drink alcoholic beverages and his resulting physical disabilities mean he will never be able to independently operate a motor vehicle again, thereby eliminating the risk of similar misconduct in the future.

subject of a pending protective order request, asking that the PDJ issue an order that it be **sealed from the public**.

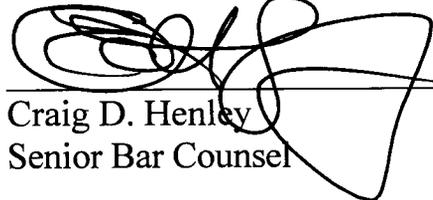
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

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

DATED this 9th day of October 2018

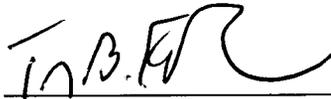
STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

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

DATED this 4th day of October, 2018.



Troy B. Froderman
Respondent

DATED this 4th day of October, 2018.

Adams & Clark PC



Karen Clark
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this ___ day of October, 2018.

Copy of the foregoing emailed
this 9th day of October, 2018, to:

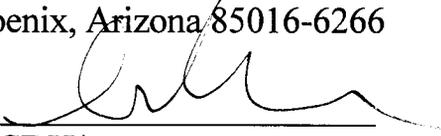
The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 9th day of October, 2018, to:

Karen Clark
Adams & Clark PC
520 E Portland St
Phoenix, AZ 85004-1843
Email: karen@adamsclark.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 9th day of October, 2018, to:

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

by: 

CDH/nr

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Troy B. Froderman, Bar No. 012717, Respondent

File No. 18-0106

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

09/14/18 Investigator mileage and parking to pick-up FTR CD \$ 9.63

Total for staff investigator charges \$ 9.63

TOTAL COSTS AND EXPENSES INCURRED \$1,209.63

EXHIBIT B

ADAMS & CLARK, PC

March 22, 2018

SENT VIA ELECTRONIC MAIL ONLY to:

Craig Henley
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Ste. 100
Phoenix, AZ 85016-6288
Email: craig.henley@staff.azbar.org

Re: Respondent Troy Froderman - File No. 18-0106

Dear Mr. Henley:

The purpose of this letter is to provide you with mitigation for the State Bar's use in making a determination regarding the appropriate resolution of this matter. I very much appreciate you reaching out to me and allowing me the opportunity to provide you with my firm's analysis of the mitigating factors we believe should guide that determination.

This matter involves the presence of numerous mitigating factors under the *ABA Standards for Imposing Lawyer Sanctions*, and very few in aggravation. We believe that the following mitigating factors under *Standard 9.32* apply in this case: 9.32(a) absence of a prior disciplinary record; (b) absence of a dishonest or selfish motive; (c) personal or emotional problems; (d) timely good faith effort to make restitution or to rectify consequences of misconduct; (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (g) character or reputation; (h) & (i) physical/mental disability; (k) imposition of other penalties or sanctions; (l) remorse.

A. MITIGATION

1. 9.32 (a) absence of a prior disciplinary record

Mr. Froderman has never received a bar charge. He has never received a disciplinary sanction, nor has he been placed on diversion. He has never received a legal malpractice claim. He has never been sanctioned by a court in any case for any reason, nor has he ever been held in contempt by a court - not for discovery violations or anything else. In a word, Mr. Froderman's record as an attorney is unblemished. This is a particularly remarkable achievement, given that his 28-year legal career throughout which Mr. Froderman had a heavy litigation practice and headed the litigation departments of two major law firms, and handled literally thousands of cases. It is an accomplishment Mr. Froderman is extremely proud of.

2. 9.32(b) absence of a dishonest or selfish motive

Mr. Froderman cooperated fully with the arresting police officers. He voluntarily

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submitted to a field sobriety test, though he could have invoked his right to decline it. He agreed to submit to both breath and blood tests. Mr. Froderman does not remember informing the officer that he had not been consuming alcohol, but given his subsequent debilitating stroke, he has no specific recall. He has no reason to believe that the officer's report is incorrect in regards to the statement attributed to him in the police report. Mr. Froderman has and is a major sponsor of law enforcement and the military and it is not in his character to be dishonest. Since he was under the influence of alcohol at the time, this most likely explains his statement to the officer. In any event, the act of drinking and then driving, for which he is being sanctioned, does not – and did not here - involve a dishonest motive.

3. 9.32(c) personal or emotional problems

At time of the arrest, Mr. Froderman had been suffering from a lingering sinus infection for several weeks. He was also working long hours (which was common for him as anyone who knows him will attest) and not taking caring of himself. He was rundown, tired, exhausted, and as a result, made a very poor decision to drive his friend's car that night. He had gained approximately 30 pounds over the prior 12 months and was not taking care of his body. He was working more than 80 hours a week, both at his place of work and on behalf of the Flagstaff Purple Heart Chapter. Upon reflection, he should have slowed down his work schedule and paid better attention to his health and personal life (such as not driving after consuming alcohol).

4. 9.32(d) timely good faith effort to make restitution or to rectify consequences of misconduct

When he received the awful news in October 2016 that he was being charged with felony DUI (over 10 months after his December 2015 arrest/charge for misdemeanor DUI), Mr. Froderman immediately hired legal counsel and instructed counsel to seek a plea in the matter. His counsel was unable to negotiate a plea that involved a "deviation" from the MCAO's standard plea offer, until the case was moved "downtown" and assigned to MCAO trial counsel. While this was in process, and prior to the assignment of trial counsel for the state, Mr. Froderman suffered a life-threatening cardiovascular stroke on March 6, 2017. He was thereafter confined to Barrow Neurological Institute and then to a wheel chair until late June 2017. During that time, MCAO County would not agree to finalize a plea offer, until they were assured that Mr. Froderman received medical clearance to enter into a plea agreement, as he was continuing to suffer from cognitive and physical disabilities due to the stroke.

Finally, in November 2017, MCAO trial counsel agreed to deviate from standard MCAO policy, based on the enormous mitigation present in Mr. Froderman's criminal case. This mitigation was centered around the evidence his counsel provided MCAO that Mr. Froderman, his insurance company, and the police all were unaware that he was driving on a suspended license at the time of the DUI. MCAO was also presented with the evidence of his debilitating stroke. Based on this evidence, MCAO made a

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March 22, 2018
Page 3

plea offer for an “endangerment combo” and Mr. Froderman accepted the offer without objection or even a request for a reduced sentence of any sort. He has fully assumed responsibility for his poor judgment. Likewise, Mr. Froderman understands that his actions do not reflect well on the bar and that a discipline sanction is appropriate.

5. 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings

Mr. Froderman has cooperated with the State Bar’s investigation of this matter. He provided a complete and timely response to the bar charge. He will cooperate with Bar Counsel in seeking to settle this matter, and it is his intention to take responsibility for his conduct by entering into an agreement for discipline by consent.

6. 9.32(g) character or reputation

Mr. Froderman graduated from DePauw University in 1986 with a bachelor of art and double major in political science and history. He graduated *cum laude*. He graduated from Vanderbilt University School of Law in 1989. He was admitted to the State Bar of Arizona in October 1989. He is admitted in the Ninth Circuit, and before the US Supreme Court. He is an active member of the Eastern District of Missouri – a district court that has its own bar.

Mr. Froderman has been practicing law for 29 years. Prior to the events discussed *infra*, he was a Practice Chair and Business Litigation Division Chair at Polsinelli, a prestigious Amlaw 100 national law firm with an office in Phoenix. Mr. Froderman joined the firm in 2010 and lead a group at the Phoenix office consisting of 26 lawyers, 5 paralegals and 8 secretaries. He generated most of the business for his group. Mr. Froderman’s larger role in the national firm was to lead a group of over 100 attorneys in Polsinelli’s nationwide litigation department. He has devoted his career to mentoring young lawyers.

Mr. Froderman is truly passionate about the pro bono work he does for the community here in Arizona, throughout the United States and even the world. Mr. Froderman served as chair of the firm-wide pro bono program. He spent well over 500 hours per year devoting his time to the underprivileged. He also led the firm’s nationwide pro bono program. Under his leadership, the firm increased its national ranking for pro bono hours served from #196 to #64 nationally. During his time there, the firm was named one of the top 29 law firms in the country for results achieved on behalf of its pro bono clients. Because of his leadership in this area, for two out of the three years prior before he left the firm the Phoenix office was named “Law Firm of the Year” by the VLP Children’s Law Society, and Polsinelli was named one of the top 20 pro bono law firms in the country in 2015.

Prior to working for Polsinelli, Mr. Froderman was a partner at Bryan Cave’s Phoenix office, where he served on the firm’s National Pro Bono Committee. He was the

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March 22, 2018

Page 4

office's Pro Bono Coordinator from 1996-2010, where he represented many of the same agencies and clients he continued to serve when he joined Polsinelli. Prior to joining Bryan Cave, he was a member of O'Connor Cavanaugh from 1989-1996, where he represented many pro bono clients including a mass tort action on behalf of John and Jane Doe's children against Child Protective Services for negligent placement in foster care homes. Mr. Froderman has been honored numerous times by the Volunteer Lawyers Program, as well as many other individuals and organizations he has helped.

Mr. Froderman's charity and pro bono work was as extensive, if not more extensive, than the litigation work he did for Polsinelli. In the three years prior to leaving the firm, he was chair of the Northern Arizona Purple Heart Charity. He also served as Advisory Counsel for the Animal Welfare Defense League. He helped raise over \$500,000.00 for the Charles Frick Chapter of the Purple Heart and Wounded Warriors Program. Mr. Froderman was awarded an honorary membership of the Purple Heart Flagstaff Chapter and was the chair again in 2017. He is the chair again this year and not only is Purple Heart the beneficiary, but his work is also benefitting Helping Hands for Freedom - a 501(c)(3) that helps men and women returning from military service, as well as gold star families. He also served as counsel to Set Free Homeless Shelter and to the Solheim Foundation. Set Free Homeless Shelter serves men who have alcohol and drug issues. It is located in central phoenix, and houses about 40 men. The Solheim Foundation is the charitable for Ping Golf. He has advised the foundation concerning homeless shelter work and the homeless in Maricopa County. He has also personally served the following additional groups: ABA Committee for Civil Rights; Americans United for Life; Amnesty International; US Department of Justice regarding crime trafficking; Volunteer Lawyer Program; and he served a variety of groups advocating for the protection of the LGBTQ community.

Mr. Froderman has been married to his wife Elizabeth for more than thirty years. They have two children, Bryan age twenty-two and Lauren age twenty-six.

Mr. Froderman could literally provide letters in support of his good character from hundreds of people. He can provide letters from judges (current or retired), and the following individuals: (1) Gary Harper (retired), Salt River Project; (2) Rick Schmidgall, owner of Legends Furniture; (3) Rawleigh Grove, General Counsel, Ping; (4) Patricia Gerrich, Director of the State Bar's Volunteer Lawyers Program; (5) William Weldon, multiple recipient of the Purple Heart and head of the Flagstaff Chapter; (6) Ronald Goldstein, owner of Arizona Prosthetic and Orthotic Company (which helps people who have lost limbs to secure insurance and fitting of prosthetics at no charge, including veterans and low-income people).

7. 9.32(h) physical disability;

On March 6, 2017, while at his office preparing for work and for the hearing in his own pending DUI case that morning, Mr. Froderman suffered a serious, life-threatening stroke. He was transported to St. Joseph's Hospital in Phoenix. He

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March 22, 2018

Page 5

was unconscious when he arrived at the ER at 5:20am, and the attending medical team immediately knew that he had suffered a stroke. He was diagnosed with a Cardiovascular Stroke (CVA), also called a lacunar stroke. His blood pressure at admittance was 224/186; the right side of his body was paralyzed; he could not speak; and he did not respond to attempts to revive him.

Thankfully, because he had been rushed to the hospital within such a short time of the stroke, he was able to be treated with a revolutionary drug called Tissue Plasminogen Activator (TPA). If this drug is given to stroke victims within a critical time period, it has miraculous results. TPA works by dissolving clots and improving blood flow to the part of the brain being deprived of blood flow. It needs to be administered within three hours of having a stroke or up to 4.5 hours in certain eligible patients. Many people miss this key brain-saving treatment because they don't arrive at the hospital in time for the treatment (it must be administered by IV), which is why it's so important to identify a stroke and seek treatment immediately for the best possible chance at a full recovery. After receiving the IV, Mr. Froderman remained in critical condition in the intensive care unit of the hospital for the next 36 hours.

After 36 hours, Mr. Froderman was moved to at-risk patient floor at St. Joes. He stayed there for four days receiving 24-hour medical care as he slowly responded to the medication and care.

On March 10, he was moved to in-patient care at Barrow Neurological Center where he stayed for the next 18 days. He was examined by three neurologists, four neuropsychologists, and a neurological optometrist. He was unable to move his right leg, had very little vision in his right eye, limited use of his right arm, had problems communicating, and had short-term memory loss - all hallmarks of a cardiovascular stroke. The treatment at Barrows was round the clock. In addition to medical care, he began intensive in-patient physical, occupational, speech and cognitive therapies. All of this care was constant through the end of September 2017.

On March 28, 2017 he was discharged to his home, with intensive outpatient care. At the time of discharge and for the next several weeks he was paralyzed from the chest down. He had a day-time nurse at his home for the next three months. He was in a wheel chair until the end of June 2017. He used a cane for many months, but now walks with a permanent leg brace prosthetic, as he is still partially paralyzed from the right hip down. He continues to seek vision treatment as he has significant vision field loss in his right eye (over 75%), a permanent condition he will suffer for the rest of his life. He has difficulty reading and still suffers from severe pain when exposed to bright lights.

Still, his improvement has been nothing short of miraculous. In actuality, it is a testament to great advances in medical science and is his own grueling, incredibly hard work. He can now walk (with assistance of a prosthetic device) and has returned to work on a part-time basis. This has been achieved with the support and love of his

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wife, family, and friends. He is most excited to be able to return to helping veterans and gold-star families once again.

In order for Mr. Froderman to continue to improve (he will never fully recover), his medical team - and his wife - insist that he adhere to the following regime, which he does faithfully: abstain from alcohol; exercise 2 hours a day; watch his diet; monitor his blood pressure and cholesterol; and take prescribed medication the rest of his life.

Attached as **Exhibit 1** is a copy of Mr. Froderman's medical records, Family and Medical Leave Act records, insurance records and other evidence concerning the physical disabilities he has experienced concerning his stroke.

8. 9.32(h) mental disability or chemical dependency including alcoholism or drug abuse when:

- (1) there is medical evidence that the respondent is affected by a chemical dependency or mental disability;**
- (2) the chemical dependency or mental disability caused the misconduct;**
- (3) the respondent's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and**
- (4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely;**

Mr. Froderman fully admits that he was drinking too much at the time of his December 2015 DUI. He relied on alcohol to reward himself for working hard. He had undergone alcohol awareness training as part of his 2011 DUI, and he stopped drinking for about a year after that. However, the hard-charging demands of his litigation practice, the pressures of being the head of a litigation group at a major law firm, responsible for the jobs of so many people, and the demands of his enormous pro bono commitments took their toll on his physical health and increased his dependence on alcohol to cope with the stress. He started drinking again after his year of sobriety in 2012, and it slowly picked up to the point that by the time of his 2015 DUI arrest, he was drinking every day. He immediately stopped drinking after learning of the felony charge in October 2016. His stroke has left him with no desire to drink and given its severity, and continued serious effects on his medical condition; it would be life threatening to his health if he ever drank alcohol again.

9. 9.32(k) imposition of other penalties or sanctions;

The consequences of Mr. Froderman's poor decisions have been devastating to him and his family. He accepted a guilty plea that includes four months in county jail. He is not able to go home, be with his family or continue with his physical therapy. He has have incurred over \$45,000.00 in fees and costs to Maricopa County and his defense counsel.

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Until he completes his sentence and is eligible for to have his class 6 open felony reduced to a misdemeanor he cannot vote, travel out of the country, own a firearm, or enjoy civil liberties. He is required to report to a probation officer for the next two years and provide reports on his daily activities. Once released, he cannot go to many public venues (i.e., those establishments that promote alcohol) and will be required to submit to periodic and sometimes ad hoc urine analysis tests.

Although he will never be able to operate a motor vehicle again because of his permanent vision problems from the stroke, if he were to drive he would be required to have an interlock ignition device and DUI insurance.

Stated simply, his life has been dramatically impacted. The criminal justice system has punished for his crime. He agreed to be punished, took a plea agreement, and is serving his debt to society. This mitigating factor most definitely applies here.

10. 9.32(l) remorse;

Mr. Froderman wants to share his thoughts about this, in his own words:

Words do not begin to describe my remorse over my actions in choosing to drink and drive. I have sought forgiveness from my family, friends, colleagues, and would like to do the same with the State Bar. I know my actions were wrong and unacceptable. I would also like to seek forgiveness from the police officer for any false statements I may have made to him. Not an hour goes by each day that I don't wish I could correct this error, but I know that now all that I can do is show that I am a better person than I was on December 9, 2015. I thought I was a good person through my significant charity work, but on reflection, good works are not enough.

I understand that actions are louder than words. Anyone who knows me knows that I am a changed man due to both the arrest and my stroke. My past charitable works now play out in how I respond to people, love my family, and am admired by my friends and colleagues, and my determination to be the very best person I can be. The one thing people will tell you is that I do not complain about my circumstances: I accept responsibility for December 9, 2015 and I embrace the toll the stroke has taken on me as being God's will.

B. CONCLUSION

Mr. Froderman would very much like to resolve this matter by reaching a settlement with Bar Counsel. He fully understands that he will be sanctioned for his misconduct. He has been paying a very steep price for his mistakes, and for quite some time now. He would like to move on from the horrible events that bring him before the State Bar, for the first time in his otherwise stellar 29-year legal career.

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I respectfully request that you provide a copy of this mitigation letter to the members of the Adjudication Review Team, and re-staff this case. Mr. Froderman thanks you for your time, courtesy and consideration of this information. I look forward to hearing from you.

Sincerely,
ADAMS & CLARK, PC


Karen Clark

KC

cc: client

Deputy chief Bar counsel Amy Rehm

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EXHIBIT C

SEALED

EXHIBIT D

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**TROY B. FRODERMAN
Bar No. 012717**

Respondent.

PDJ 2018-9053

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 18-0106]

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

IT IS ORDERED Respondent, **Troy B. Froderman**, is reprimanded with probation for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately from the date of this order.

IT IS FURTHER ORDERED upon reinstatement, Respondent shall be placed on probation for a period of two (2) years from the date of the execution of Terms and Conditions of Probation.

IT IS FURTHER ORDERED Troy B. Froderman shall participate in the following programs:

1. LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order, 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 be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has

been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

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 this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of October, 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 October, 2018.

Copies of the foregoing mailed/mailed
this _____ day of October, 2018, to:

Karen Clark
Adams & Clark PC
520 E Portland St
Phoenix, AZ 85004-1843
Email: karen@adamsclark.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this ____ day of October, 2018, to:

Craig D. Henley
Senior 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 October, 2018 to:

Lawyer Regulation Records Manager
State Bar of Arizona
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