

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

DAVID PAUL GORDON,
Bar No. 020467

Respondent.

PDJ 2018-9068

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 17-3199]

FILED NOVEMBER 9, 2018

The Presiding Disciplinary Judge, having reviewed the Agreement for Discipline by Consent filed on November 2, 2018, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **David Paul Gordon**, is suspended from the practice of law for a period of sixty (60) days for his 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 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 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 disciplinary proceedings.

DATED this 9th day of November, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 9th day of November, 2018, to:

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

Donald Wilson, Jr.
Broening, Oberg, Woods & Wilson, P.C.
P.O. Box 20527
1122 E. Jefferson Street
Phoenix, Arizona 85036-0527
Email: dwj@bowwlaw.com
Respondent's Counsel

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

DAVID PAUL GORDON,
Bar No. 020467

Respondent.

PDJ-2018-9068

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar No. 17-3199]

FILED NOVEMBER 9, 2018

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed on November 2, 2018. A formal complaint was filed on August 7, 2018. Mr. Gordon is represented by Donald Wilson Jr., *Broening, Oberg, Woods & Wilson, P.C.* and the State Bar of Arizona is represented by Bar Counsel, Bradley F. Perry.

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. Gordon has voluntarily waived the right to an adjudicatory hearing, and waived all

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

motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Notice of the Agreement and an opportunity to object within five (5) days pursuant to Rule 53(b)(3), was provided to the complainant by letter on October 12, 2018. No objections have been filed.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Mr. Gordon admits violating Rule 42, ERs 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 8.4(c) (engage in conduct involving dishonesty, deceit, fraud or misrepresentation), and 8.4(d) (conduct prejudicial to the administration of justice). The parties stipulate to a sixty (60) day suspension and the payment of costs of \$1,200.00 within thirty (30) days from this order.

Mr. Gordon was hired by the client in June 2014 to prepare an affidavit of succession of real property for a home. Instead, nine months later in March 2015, he applied for informal probate which was denied. In April 2015, he again filed for informal probate but did not file the original will. It was also denied. Mr. Gordon then applied to convert to formal probate. That application was also denied as it did not comply with filing requirements. The Court issued a notice that the case would be dismissed for failure to prosecute in ninety days. Nearly six months later on May 10, 2016, the Court dismissed the case for failure to prosecute. From that date until August 2017, when the client called the Court and was informed of the dismissal, Mr. Gordon

intentionally misrepresented the status of the matter to the client and failed to tell the client the matter had been dismissed.

There is a factual basis for imposing disciplinary sanctions.

The parties agree *Standard 4.62, Lack of Candor* applies and provides that suspension is generally appropriate when a lawyer knowingly deceives a client and causes injury or potential injury to a client. Mr. Gordon knowingly violated his duty to his client by misrepresenting the status of the probate case which caused actual injury to the client. His misconduct delayed the client's ability to sell the property and caused the client to incur additional upkeep costs.

The parties agree aggravating factors, 9.22(b) (dishonest motive) and 9.22(c) (pattern of misconduct) is present. The parties stipulate the mitigating factors are 9.32(a) (absence of prior disciplinary offenses), 9.32 (b) (absence of selfish motive), 9.32(d) (timely good faith effort to make restitution or rectify consequences), 9.32(e) (full and free disclosure to disciplinary board or cooperative attitude toward proceedings), 9.32(g) (character or reputation) as evidenced by 3 letters, and 9.32(l) (remorse).

It may appear to be inconsistent that a dishonest motive is present as an aggravating factor and at the same time absence of selfish motive. There is no inconsistency. A selfish motive cannot arise solely from the receipt of reasonable compensation. *In re Van Dox*, 152 P.3d 1183, 1190 (Ariz. 2007). However, false

statements to a client can cause a finding of selfish motive when deliberate misrepresentations are “designed to cover his negligence.” *See, e.g., In re Arrick*, 882 P.2d 943, 950 (Ariz. 1994).

Now Therefore,

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 9th day of November, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on this 9th day of November, 2018, to:

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

Donald Wilson, Jr.
Broening, Oberg, Woods & Wilson, P.C.
PO Box 20527
Phoenix, AZ 85036-0527
Email: dwj@bowwlaw.com
Respondent

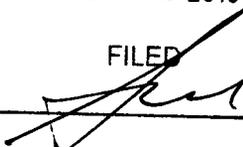
by: AMcQueen

Bradley F. Perry, Bar No. 025682
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Telephone (602)340-7247
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

NOV 2 2018

FILED

BY 

Donald Wilson Jr., Bar No. 005205
Broening, Oberg, Woods & Wilson, P.C.
P.O. Box 20527
1122 E. Jefferson Street
Phoenix, Arizona 85036-0527
Telephone 602-271-7717
Email: dwj@bowwlaw.com
Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**DAVID PAUL GORDON,
Bar No. 020467,**

Respondent.

PDJ 2018-9068

State Bar File Nos. 17-3199

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, David Paul Gordon, who is represented in this matter by counsel, Donald Wilson, Jr., hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A Probable Cause Order was entered on June 25, 2018, a

Complaint was filed on August 7, 2018, and an Answer was filed on August 29, 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.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainant(s) by letter on October 12, 2018. Complainant(s) have been notified of the opportunity to file a written objection to the Agreement with the State Bar within five (5) business days of Bar Counsel's notice. Copies of Complainants' objections, if any, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 1.2, 1.3, 1.4, 3.2, 8.4(c), and 8.4(d). Upon acceptance of this Agreement, Respondent agrees to accept imposition of the following discipline: 60-day suspension. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within thirty (30) days from the date of this order, and if costs are not paid within the thirty (30) days, interest will begin to accrue at

the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

1. Respondent was licensed to practice law in Arizona on December 15, 2000.
2. Michael Perales hired Respondent in June 2014 to prepare an affidavit of succession of real property for a home belonging to Mr. Perales's deceased mother. Respondent charged \$500.00 for preparation of the affidavit.
3. On March 16, 2015, approximately nine months after being hired, Respondent filed an application for informal probate. The application was denied.
4. On April 8, 2015, Respondent filed a second application for informal probate. The application was denied because the will provided to the Court was not an original. Respondent then filed an application to convert to formal probate.
5. On April 17, 2015, the Court denied the application to convert as it did not comply with filing requirements.

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.

6. On November 23, 2015, the Court issued a notice of termination stating the case would be dismissed in 90 days for failure to prosecute.

7. On May 10, 2016, the Court dismissed the case for failure to prosecute.

8. From June 2014 to May 2016, Respondent misrepresented the status of the case to Mr. Perales. Respondent informed Mr. Perales that he was attending hearings, filing appropriate documents, and waiting for judicial approval of said documents. In reality, Respondent had failed to successfully open probate and had failed to file the affidavit of succession of real property that he was hired to file.

9. Respondent did not inform Mr. Perales that the case was dismissed.

10. From May 10, 2016, the date the matter was dismissed, to August 2017, Respondent intentionally misrepresented the status of the case to Mr. Perales. Respondent informed Mr. Perales that work on the case was continuing when the case was dismissed.

11. Mr. Perales learned the case was dismissed when he called the Court in August 2017 and was informed by staff that the case was dismissed.

12. Respondent's actions significantly delayed his client's ability to sell the property resulting in the client incurring upkeep costs he would not have otherwise incurred.

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., ERs 1.2, 1.3, 1.4, 3.2, 8.4(c), 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: 60-day suspension.

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* 4.62 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 4.62 provides that suspension is appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly misled his client about the status of the probate case 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 injury to the client. Respondent's actions significantly delayed his client's ability to sell the property resulting in the client incurring upkeep costs he would not have otherwise incurred.

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:

9.22(b): Dishonest motive. Respondent intended to mislead his client about the status of the case in order to buy himself more time to correct his mistakes.

9.22(c): Pattern of misconduct. Respondent misrepresented the status of the case on more than one occasion over the course of years.

In mitigation:

9.32(a): Absence of a prior disciplinary record. Mr. Gordon has no prior disciplinary history.

9.32(b): Absence of a selfish motive. Mr. Gordon did not act out of any pecuniary desire or pursuit.

9.32(d): Timely good faith effort to make restitution or to rectify consequences of misconduct. Mr. Gordon voluntarily refunded to the Complainant the \$500 fee he received.

9.32(e): Full and free disclosure to disciplinary board or cooperative attitude toward proceedings. Mr. Gordon has fully and freely disclosed his conduct to the State Bar and has cooperated in all aspects of the matter.

9.32(g): Character and reputation. Mr. Gordon is of good character and reputation as the attached letters attest. (Exhibit B).

9.32(l): Remorse. Mr. Gordon has exhibited genuine remorse for his conduct. He has tearfully expressed sorrow for his conduct.

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 appropriate. The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter.

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 a 60-day suspension and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

DATED this 1st day of November 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. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this _____ day of November, 2018.

David Paul Gordon
Respondent

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 a 60-day suspension and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

DATED this 1st day of November 2018.

STATE BAR OF ARIZONA



Bradley F. Perry
Staff Bar Counsel

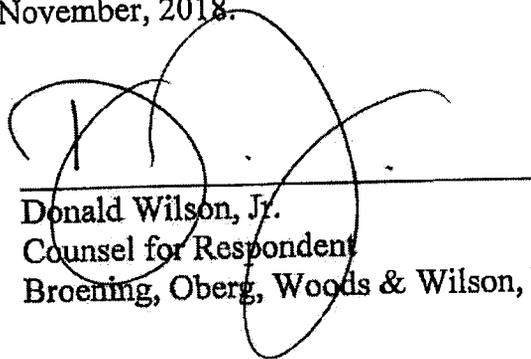
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property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

DATED this 2nd day of November, 2018.



David Paul Gordon
Respondent

DATED this 2 day of November, 2018.



Donald Wilson, Jr.
Counsel for Respondent
Broening, Oberg, Woods & Wilson, P.C.

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 November, 2018.

Copy of the foregoing emailed
this _____ day of November, 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

DATED this _____ day of November, 2018.

Donald Wilson, Jr.
Counsel for Respondent
Broening, Oberg, Woods & Wilson, P.C.

Approved as to form and content



Maret Vessella
Chief Bar Counsel

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Broening, Oberg, Woods & Wilson, P.C.
P.O. Box 20527
1122 E. Jefferson Street
Phoenix, Arizona 85036-0527
Email: dwj@bowwlaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 2ND day of November, 2018, to:

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

by:

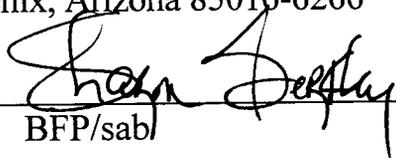

BFP/sab

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
David Paul Gordon, Bar No. 020467, Respondent

File No. 17-3199

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

Vicki Jo Anderson

1670 Franquero Ln
Cottonwood, AZ 86326

Vickijoanderson22@msn.com

928-821-8562

October 31, 2018

Bradley F. Perry
Arizona State Bar
4201 N 24th Street
Phoenix, AZ 85016

RE: David P. Gordon
Bar #020467

Dear Mr. Perry,

It has been my privilege to know David Gordon for many years now. I have had the advantage of working with him in numerous situations. I have always found him willing to jump in and get the job done. The last several years we have served together on the YesTheArc Board of Directors, where he has served multiple years as an officer. This organization has greatly benefitted from his expertise and knowledge. YesTheArc is a nonprofit organization serving mentally handicap adults in the Verde Valley and the Sedona areas.

David not only serves in the community, but he also serves in a leadership position in his church as well. Having used his services in a number of occasions, I have had the opportunity to observe that he is more than fair to his clients. He has knack for reaching out to those in need not only with compassion, but also with his background as a lawyer as well.

Probably the quality I most admire in Dave is that he loves his wife and family. He is a great father, totally supportive his children and all their activities. He is a considerate, kind man that any community would be grateful to claim as one of their own. I do not hesitate to vouch for the character of David Gordon.

Sincerely,

Vicki Jo Anderson

President of YesTheArc Board

LAW OFFICE OF
— SKH —
SHILOH K. HOGGARD
P.L.L.C.

October 31, 2018

Bradley F. Perry
Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, AZ 85016-6288

Re: Attorney David P. Gordon

Dear Mr. Perry:

I am providing this letter to share my thoughts and opinions of Mr. Gordon for your consideration as you investigate a bar complaint against him. I am more than willing to write this letter and it is my sincere hope that the bar complaint will be dismissed. It is my opinion that Mr. Gordon is a very good attorney who has provided valuable legal services to our community for more than 14 years.

I have known Mr. Gordon personally and professionally for over 13 years. I consider him a dear friend and a valued colleague in our legal community. As an attorney, I have had numerous opportunities to observe his professionalism and ethics. I have worked with him on several cases. In those matters we have represented co-defendants, co-plaintiffs, opposing parties, or Mr. Gordon has been appointed as a guardian *ad litem* for some of my cases. I have seen Mr. Gordon in the courtroom on many occasions.

For the past three years, my office has been next door to Mr. Gordon's office. Consequently, on various occasions, we have consulted with each other and sought each other's advice on cases and the law while respecting and maintaining client confidentiality. In all that I have seen from Mr. Gordon, it has always been my impression that he seeks his client's best interests. Indeed, for that reason, I have referred potential clients, including those with probate matters, to him. I will continue to refer potential clients to him.

In those cases where I have worked with Mr. Gordon, he responded to my communications (*e.g.*, emails, phone calls) in a timely manner. I have never had any reason to complain about Mr. Gordon's performance of his duties as a lawyer. I have never heard any person (client or attorney) accuse Mr. Gordon of conduct unbecoming of a member of the State Bar.

850 Cove Parkway, Suite C
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(928) 649-3400
Facsimile: (928) 772-8695
shiloh@hoggard-law.com

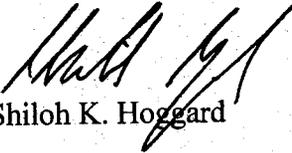
Bradley F. Perry
Bar Counsel
State Bar of Arizona
October 31, 2018
Page 2

Knowing Mr. Gordon as I do, I believe you can expect that he will cooperate fully with any investigation. Upon conclusion of the investigation, I sincerely hope that the State Bar will determine that there is no merit to the allegations raised against him.

Should you desire to contact me or, if you need any additional information, please feel free to call or email.

Sincerely,

LAW OFFICE OF SHILOH K. HOGGARD, P.L.L.C.



Shiloh K. Hoggard

SKH/

David Gordon

From: Michael Stephens [Michael.Stephens@yavapai.us]
Sent: Friday, September 28, 2018 8:37 AM
To: david@gordonlawaz.com
Subject: MR. DAVID GORDON

To Whom It May Concern:

This brief email/letter is concerning a very good friend and attorney, David Gordon. I have known David for at least 18 years now; he is one of the best Criminal Defense Attorneys I have ever encountered.

I say that because I have worked for the Yavapai County Attorney's Office for over 20 years and I know most of the practicing counsel in Yavapai County.

David is one person I can refer someone to, whether they need advise, or defense work. I have personally seen David "in action" as an attorney in both Justice and Superior Courts. His passion for his job, his connection with the Courts, and his caring attitude about the clients he serves is amazing. His knowledge of the law shows why he is one of the better attorneys in the State of Arizona; with laws constantly changing and evolving, it cannot be an easy task to keep up with all of it, but Dave manages to somehow to do all.

Truly, David Gordon is someone that can always be trusted and counted on.

Michael Stephens
Victim Advocate
Yavapai County Attorney's Office
(928) 777-7112
Michael.stephens@yavapai.us

EXHIBIT C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**DAVID PAUL GORDON,
Bar No. 020467,**

Respondent.

PDJ 2018-9068

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 17-3199]

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 that Respondent, **David Paul Gordon**, is suspended from the practice of law for a period of sixty (60) days for his 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 Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of any reinstatement hearings held.

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 November, 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 November, 2018.

Copies of the foregoing mailed/mailed
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State Bar of Arizona
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Phoenix, Arizona 85016-6266

by: _____
BFP/sab