

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

FREDRICK M. JONES,
Bar No. 006368,

Respondent.

PDJ 2018-9015

**FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 17-1582, 17-2183]

FILED MARCH 2, 2018

The Presiding Disciplinary Judge, having reviewed the Agreement for Discipline by Consent filed on February 16, 2018, pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

IT IS ORDERED Respondent, **Fredrick M. Jones, Bar No. 006368**, is suspended for a period of one (1) year for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, retroactive to July 29, 2017.

IT IS FURTHER ORDERED if reinstated, Mr. Jones shall be placed on probation for a period of two (2) years with terms and conditions to be recommended by the Hearing Panel and as approved by the Supreme Court at the time of reinstatement.

IT IS FURTHER ORDERED upon reinstatement Mr. Jones shall participate in LRO MAP. Mr. Jones shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 (ten) days from the date 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. Mr. Jones shall be responsible for any costs associated with participation with compliance.

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

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

DATED this 2nd day of March, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed on this 2nd day of March, 2018, to:

Fredrick M. Jones
3511 E. Baseline Road, Suite 1180
Phoenix, AZ 85042
Email: fjoneslaw@yahoo.com
Respondent

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

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

FREDRICK M. JONES,
Bar No. 006368,

Respondent.

PDJ 2018-9015

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 17-1582 & 17-2183]

FILED MARCH 2, 2018

Under Rule 57(a), Ariz. R. S. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed February 16, 2018. This matter was not submitted to the Attorney Regulation Probable Cause Committee and no formal complaint has been filed. Mr. Jones represents himself, 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. Jones 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 as required by Rule 53(b)(3), Ariz. R. S. Ct., was sent to the complainants by e-mail and letter on February 16, 2018, and no objections have been filed.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Mr. Jones admits he violated ERs 1.3 (diligence), 1.4 (communication), 1.15(d) (safekeeping property), 1.16(d) (terminating/withdrawing from representation), 8.4(d) (conduct prejudicial to the administration of justice), and Rule 43(b)(2) (trust account records). While the agreement alludes to differing dates for the prior suspension of Mr. Jones, the PDJ takes judicial notice he was suspended effective July 28, 2017, in PDJ 2017-9050. The misconduct is briefly summarized.

In Count One, Mr. Jones represented a client in a probate estate matter. Client was appointed successor personal representative. In his capacity as attorney for the estate he received significant monies which should have been deposited into his IOLTA account. The IOLTA records demonstrate he utilized those monies for other purposes. The total account balances were less than the estate funds he was to have deposited. The personal representative was ordered on May 5, 2017, to close the estate. No pleadings to close the estate have been filed.

In Count Two, Mr. Jones represented a client in a divorce. Client filed a *pro per* petition for dissolution on September 27, 2016. The client had difficulty serving the petition. On March 8, 2017, Mr. Jones was retained and filed a notice of appearance

with the court on March 15, 2017 and obtained a short continuance to serve the petition. Client did not hear from Mr. Jones again. On June 27, 2017, the Court dismissed the case without prejudice.

Mr. Jones failed to diligently represent and reasonably communicate with the client, and failed to properly withdraw from representation. This conduct in both counts were prejudicial to the administration of justice.

Standard 4.42, Lack of Diligence applies to Mr. Jones' violation of ERs 1.3 and 1.4, and provides that suspension is generally appropriate when:

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

Mr. Jones knowingly failed to diligently represent and adequately communicate with his client.

Standard 4.12, Failure to Preserve Client Property applies to Mr. Jones' violation of ER 1.15 and Rule 43 and provides that suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client. Mr. Jones knowingly failed to safeguard client funds, knowingly failed to account for client funds, and failed to maintain complete trust account records.

The parties stipulate that the presumptive sanction is suspension. Mr. Jones knowingly failed to protect the funds of his client or to diligently represent and

adequately communicate with the clients in Counts One and Two. He negligently engaged in a repeated pattern of misconduct regarding his trust account. His misconduct caused actual harm to his client, the profession and the legal system. The parties further stipulate in aggravation are factors 9.22(a) prior disciplinary offenses, and 9.22(i) substantial experience in the practice of law and factor 9.32(b) absence of selfish or dishonest motive is present in mitigation. The agreed upon sanction is one-year suspension, retroactive to July 29, 2017, the effective date of his suspension in PDJ-2017-9050, and payment of State Bar costs of \$1,200.00. Mr. Jones is no longer practicing law and has closed his law firm. Accordingly:

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

DATED this 2nd day of March, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on this 2nd day of March 2018, to:

Fredrick M. Jones
3511 E. Baseline Road, Suite 1180
Phoenix, AZ 85042
Email: fjoneslaw@yahoo.com
Respondent

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

by: AMcQueen

Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7272
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

FEB 16 2018

FILED

BY



Fredrick M. Jones, Bar No. 006368
3511 E. Baseline Road, Suite 1180
Phoenix, AZ 85042
Telephone (602) 468-0200
Email: fjoneslaw@yahoo.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

FREDRICK M. JONES
Bar No. 006368

Respondent.

PDJ 2018-9015

AGREEMENT FOR DISCIPLINE
BY CONSENT

State Bar File Nos. 17-1582 & 17-
2183

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Fredrick M. Jones, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), *Ariz. R. Sup. Ct.*

This is a pre-probable cause and pre-formal complaint agreement for discipline.

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 complainants in by e-mail and letter, respectively, dated February 16, 2018. Complainants have both 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 the following ethical rules:

Count 1 (SB17-1582):

Rule 42, *Ariz. R. Sup. Ct.*:

1. ER 1.3 – Respondent failed to act diligently during the representation;
2. ER 1.4 – Respondent failed to reasonably communicate with the client during the representation;

3. ER 1.15(d) – Respondent failed to promptly account for or return funds belonging to the client;
4. ER 1.16(d) – Respondent failed to take the steps reasonably practicable to protect the client’s interest;
5. ER 8.4(d) – Respondent engaged in conduct that was prejudicial to the administration of justice.

Rule 43(b)(2) – Respondent failed to maintain complete trust account records of the handling, maintenance and disposition of funds belonging to the client for a period of five years.

Count 2 (SB17-2183):

Rule 42, Ariz. R. Sup. Ct.:

1. ER 1.3 – Respondent failed to act diligently during the representation;
2. ER 1.4 – Respondent failed to reasonably communicate with the client during the representation;
3. ER 1.16(d) – Respondent failed to properly withdraw from the representation; and
4. ER 8.4(d) – Respondent engaged in conduct that was prejudicial to the administration of justice.

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline:

Long-Term Suspension of One Year, retroactive to July 29, 2017 (the effective date of the suspension in **In re: Frederick M. Jones**, PDJ 2017-9050 (SB Nos. 16-2673 & 16-2890)).

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.

FACTS

GENERAL ALLEGATIONS

1. On October 4, 1980, Respondent was licensed to practice law in Arizona.

COUNT ONE (File No. 17-1582/Quam)

2. On or about September 6, 2013, Theresa and Robert Grove dissolved their marriage by Consent Decree. The related settlement agreement stated that Robert and Theresa would evenly divide Robert's retirement pension, granted Robert the marital home with the condition that he remove Theresa from the mortgage within 48 months and included a term that each would keep the other as

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.

the beneficiary of their existing life insurance policies until the successful refinance of the home.

3. Robert died two weeks later.

4. On October 1, 2013, Arizona attorney Mark Hall filed an application for informal probate on behalf of Theresa thereby initiating the Maricopa County Superior Court case of *In the Matter of the Estate of Robert A. Grove*, PB2013-000616. The Court named Theresa as the personal representative of the estate.

5. Complainant Kathleen Quam is Robert's sister. On October 1, 2013, Quam hired Respondent to represent her in the case.

6. On November 8, 2013, Respondent petitioned the Court to remove Theresa as personal representative alleging, among other things, that the Theresa's nomination was null because of the divorce. Theresa countered alleging, among other things, that she remains the primary beneficiary of Robert's estate and is still an obligor for the mortgage on the marital residence.

7. On April 1, 2014, the Court terminated Theresa's appointment and appointed Quam as the successor personal representative, but found that Theresa was entitled to one-half of Robert's pension and the entirety of the life insurance policy. The Court also found that Respondent held approximately \$41,000 bank

balance and certain retirement account funds. Finally, the ordered Respondent to obtain from Hall and hold \$17,500.00 in a restricted account pending resolution of the Theresa's claim for attorney's fees.

8. On April 1, 2014, Hall used his IOLTA account to transfer \$17,500.00 identified as "Restricted Funds Robert Grove" to the "Frederick Jones IOLTA Trust Acc".

9. On April 2, 2014, Letters of Appointment were filed identifying that Quam was the appointed Personal Representative of the Estate and that the "restricted account" would be Respondent's IOLTA account.

10. On April 7, 2014, Hall received an annuity payment of \$22,757.30 and transferred it to the Estate.

11. On October 1, 2014, Respondent paid the Estate \$10,934.50 purportedly representing the "Trust Account Balance".

12. Therefore, as of October 2014, Respondent held \$41,185.19 in the trust and Complainant (as Personal Representative of the Estate) received payments of \$33,691.80.

13. On October 23, 2014, the Court issued a minute entry *nunc pro tunc* setting forth all of the prior findings along with additional orders.

14. On October 29, 2014, Respondent appealed thereby initiating the Court of Appeals, Division One case of *Quam v. Grove*, 1 CA-CV 14-0786.

15. On October 25, 2016, the Court of Appeals affirmed the lower court's findings.

16. On December 7, 2016, the Court of Appeals awarded Theresa attorney's fees and costs in the amount of \$10,068.00.

17. On February 27, 2017, the Court executed and filed an order prepared by Hall setting forth findings and orders. These findings included, but were not limited to, the following:

- a. "(Quam) and her attorney (Respondent) shall pay to (Theresa) the life insurance proceeds currently being held in the IOLTA Trust Account of Jones in the sum of \$13,500.00. The check shall be made payable to the 'Mark E. Hall PC IOLTA Trust Account.'"
- b. "The Estate of Robert A. Grove ('decedent') shall pay to (Theresa) the sum of \$10,068.00 for attorney's fees and costs incurred by Grove on appeal, pursuant to an Order of the Arizona Court of Appeals filed on December 7, 2016. The check shall be made payable to the 'Mark E. Hall PC IOLTA Trust Account.'"
- c. "The restrictions on the Estate Account in the sum of \$17,500.00 ordered by the Superior Court on April 1, 2014 and October 23, 2014, are hereby lifted and these sums are to be utilized by the Estate to pay fees, expenses and costs owing by the Estate as set forth in the following paragraphs of this Order."
- d. "The Estate shall pay the sum of \$5882.80 to (Theresa) as reasonable compensation for fees and expenses she incurred while serving as PR..."

e. "The Estate shall pay the sum of \$1500.00 to (Theresa) as reimbursement for expenses made by her father in order to settle a 'timeshare' lawsuit against the Estate..."

18. Hall indicates that he has received all of the Court ordered payments from Respondent's trust account including, but not limited to, the \$17,500.00 restricted funds.

19. On May 5, 2017, the Court ordered that the Personal Representative file a Closing Statement or Petition for Formal Closing within 60 days. To date, no pleading has been filed by the Personal Representative and Respondent is still listed as attorney of record.

20. When asked for a complete and final accounting of all of the trust account funds, Respondent provided Complainant with partial IOLTA bank statements and billing records and claimed that he was researching the status of the funds. Respondent also indicated in the May 17, 2017 e-mail to Complainant that "[s]ubsequently, I refunded the trust account 13,500 from my own funds."

21. In response to the State Bar investigation, Respondent claims that "[a]ll I can definitely state is that \$13,500.00 life insurance proceeds were held by me until the court awarded them to Theresa Groves which I then forwarded to Mr. Hall. I also kept in trust the amount of \$10934.50. I held that for over 6 months.

My research indicated that if there is no application for attorney's fees within that period of time period any award is void. Then I forwarded that amount to Ms. Quam."

22. Respondent indicates that after he was suspended from the practice of law in June 2017, he closed his office and no longer maintains or has access to his client files or trust account records. However, Respondent provided Complainant and the State Bar with partial IOLTA bank statements and billing records dated May – September 2014.

23. Based upon the foregoing, Respondent's trust account balance should have included no less than the \$17,500.00 between April 1, 2014 and February 27, 2017.

24. However, the partial bank statements reflect the following balances:

- a. May 31, 2014: \$14,006.50;
- b. July 31, 2014: \$12,984.50;
- c. August 31, 2014: \$12,934.50;
- d. September 30, 2014: \$12,934.50.

COUNT TWO (File No. 17-2183/BARRERAS)

25. On or about September 27, 2016, Complainant initiated the Maricopa County Superior Court case of *Barreras v. Cardenas*, FC2016-007931 by filing a *pro per* Petition for Dissolution of Marriage.

26. On November 28, 2016, the Court issued an administrative notice of the Court's intent to dismiss the case due to lack of service.

27. After continuing to experience problems serving his non-resident wife, Complainant filed a motion to extend the time of service. The Court granted the request and issued a minute entry placing the case on the Inactive Docket and setting a dismissal date of March 17, 2017.

28. On March 8, 2017, Complainant signed a written representation agreement and paid Respondent \$450.00 to represent him in the case. He later paid Respondent \$50.00.

29. On March 15, 2017, Respondent filed a Notice of Appearance on behalf of Complainant and, shortly thereafter, a motion for an extension of time.

30. On March 27, 2017, the Court granted the request and ordered that the Petition be served on or before June 15, 2017. The order specified that the case would be dismissed on that date unless an affidavit of service similar document or, alternatively, a new motion for extension (supported by good cause) was filed before June 15, 2017.

31. Complainant failed to hear from Respondent after their initial discussions. In his response to the State Bar investigation, Respondent states that

he did not have a way to contact Complainant as Complainant's niece's phone number was their only means of communication.²

32. On June 27, 2017, the Court dismissed the case without prejudice for lack of prosecution.

33. On July 11, 2017, Complainant filed a Motion to Reinstate alleging that Respondent was suspended from the practice of law effective July 31, 2017.

34. The Court reinstated the case and the matter is currently set for a Resolution Management Conference on March 21, 2018.

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:

Count 1 (SB17-1582):

Rule 42, Ariz. R. Sup. Ct.:

1. ER 1.3 – Respondent failed to act diligently during the representation;
2. ER 1.4 – Respondent failed to reasonably communicate with the client during the representation;

² Complainant currently resides at the same address that he did at the initiation of the lawsuit.

3. ER 1.15(d) – Respondent failed to promptly account for funds paid to the client;
4. ER 1.16(d) – Respondent failed to take the steps reasonably practicable to protect the client’s interest;
5. ER 8.4(d) – Respondent engaged in conduct that was prejudicial to the administration of justice.

Rule 43(b)(2) – Respondent failed to maintain complete trust account records of the handling, maintenance and disposition of funds belonging to the client for a period of five years.

Count 2 (SB17-2183):

Rule 42, Ariz. R. Sup. Ct.:

1. ER 1.3 – Respondent failed to act diligently during the representation;
2. ER 1.4 – Respondent failed to reasonably communicate with the client during the representation;
3. ER 1.16(d) – Respondent failed to properly withdraw from the representation; and
4. ER 8.4(d) – Respondent engaged in conduct that was prejudicial to the administration of justice.

CONDITIONAL DISMISSALS

Not applicable.

RESTITUTION

While Complainants request restitution in their respective counts, the State Bar is wholly unable to determine what, if any, fees were due to Respondent for the performance of legal services thereby eliminating restitution as an issue in this case.

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:

Long-Term Suspension of One Year, retroactive to July 29, 2017 (the effective date of the suspension in **In re: Frederick M. Jones**, PDJ 2017-9050 (SB Nos. 16-2673 & 16-2890).

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 following *Standards* are the appropriate *Standard* given the facts and circumstances of this matter:

ER 1.3: (Diligence), **ER 1.4:** (Communication)

Standard 4.42

Suspension is generally appropriate when a lawyer knowingly fails to perform services for a client or engages in a pattern of neglect and causes injury or potential injury to a client.

ER 1.15: (Safeguarding Client Property), **Rule 43** (Trust Account Rules)

Standard 4.12

Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client, or

ER 1.16: (Termination of Representation)

Standard 7.2

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public or the legal system, or

ER 8.4(d): (Conduct Prejudicial To Administration of Justice)

Standard 6.23

Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

The duty violated

As described above, Respondent's conduct violated his duty to his client, the profession and the legal system.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly engaged in misconduct during his representation of Ms. Quam and Mr. Barreras and negligently engaged in a repeated pattern of misconduct during his maintenance of the trust account and representation of his client 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 a client, the profession and the legal system.

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(a) prior disciplinary offenses;

- PDJ 2017-9050 [SB Nos. 16-2673 & 16-2890] (July 29, 2017): Respondent was suspended for six months and one day for violating Rule

42, Ariz. R. Sup. Ct., ERs 1.3, 1.4, 1.5, 1.15, 1.16, 8.4(d) and Rule 43 (commonly referred to as the Trust Account Rules);

- PDJ 2015-9065 [SB 13-0122, 14-0830, 14-1060, 14-1072 & 15-0117] (July 2015): Respondent was reprimanded with probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 1.3, 1.4, 3.2 and 8.4(d);

Standard 9.22(i) substantial experience in the practice of law [Respondent has been an Arizona attorney since October 4, 1980].

In mitigation:

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

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. This agreement was based on the following:

As first explained in **In re: Frederick M. Jones**, PDJ 2017-9050 (SB Nos. 16-2673 & 16-2890), while Respondent has closed his law firm and has left the practice of law, the nature of the misconduct and inappropriate maintenance of the

trust account demand that a long-term suspension be imposed, particularly when viewed against the backdrop of Respondent's prior discipline history.

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.

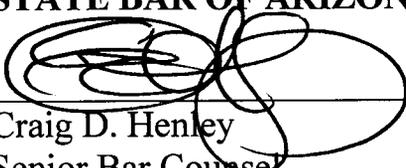
CONCLUSION

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 Long-Term Suspension of One Year, retroactive to July 29, 2017 and the imposition of costs and expenses.

A proposed form order is attached hereto as Exhibit B.

DATED this 16th day of February 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. 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 15 day of February, 2018.



Fredrick M. Jones
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 15 day of February, 2018.

Copy of the foregoing emailed
this 15 day of February, 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

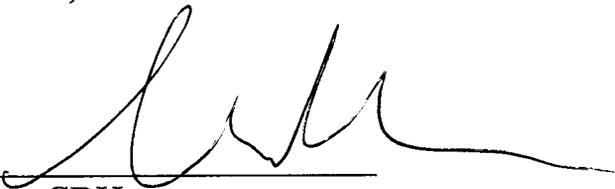
Copy of the foregoing mailed/mailed
this 16th day of February, 2018, to:

Fredrick M. Jones
3511 E. Baseline Road, Suite 1180
Phoenix, AZ 85042
Email: fjoneslaw@yahoo.com
Respondent

Copy of the foregoing hand-delivered
this 16th day of February, 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 suspended Member of the State Bar of Arizona,
Fredrick M. Jones, Bar No. 006368, Respondent

File Nos. 17-1582 & 17-2183

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline.

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

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

FREDRICK M. JONES,
Bar No. 006368,

Respondent.

PDJ 2018-

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 17-1582 & 17-2183]

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

Accordingly:

IT IS HEREBY ORDERED that Respondent, **Fredrick M. Jones**, is hereby suspended for one year, retroactive to July 29, 2017 for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately.

IT IS FURTHER ORDERED that, if reinstated, Respondent shall be placed on probation for a period of two years.

IT IS FURTHER ORDERED that, 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/Agreement, 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 30 days from the date of service of this Order.

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

DATED this _____ day of February, 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 February, 2018.

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

Fredrick M. Jones
3511 E. Baseline Road, Suite 1180
Phoenix, AZ 85042
Email: fjoneslaw@yahoo.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of February, 2018, to:

Craig D. Henley
Senior Bar Counsel - Litigation
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 February, 2018 to:

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

by: _____