

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

CHRISTOPHER S. SHORT,
Bar No. 027130

Respondent.

PDJ 2018-9083

**FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 17-2341, 17-2612,
17-3845]

FILED DECEMBER 21, 2018

This matter was heard by the Hearing Panel, which rendered its Decision and Order on December 4, 2018. The decision of the hearing panel is final under Rule 58(k), Ariz. R. Sup. Ct. No notice of appeal was filed and the time to appeal has expired.

Now Therefore,

IT IS ORDERED Respondent **CHRISTOPHER S. SHORT, Bar No. 027130** is suspended from the practice of law in Arizona for two (2) years effective immediately.

IT IS FURTHER ORDERED Mr. Short shall immediately comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED Mr. Short shall pay the costs and expenses of the State Bar of Arizona pursuant to Rule 60(b), Ariz. R Sup. Ct. There are no costs or expenses incurred by the disciplinary clerk or Presiding Disciplinary Judge's Office in these disciplinary proceedings.

DATED this 21st day of December 2018.

William J. O'Neil

Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
this 21st day of December 2018, to:

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
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Christopher S. Short
Christopher S. Short, PC
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Respondent

by: MSmith

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A SUSPENDED
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ARIZONA,

CHRISTOPHER S. SHORT,
Bar No. 027130

Respondent.

PDJ 2018-9083

[State Bar File Nos. 17-2341, 17-
2612, 17-3845]

**DECISION AND ORDER
IMPOSING SANCTIONS**

FILED DECEMBER 4, 2018

In July 2016, Christopher S. Short, was paid a flat fee of \$2,500 to represent a client in resolving an informal probate of the estate of a relative of client. As part of the probate, real estate had to be liquidated. One parcel of property remained to be sold. Mr. Short told his client he needed to find another lawyer. When client requested a partial refund, Mr. Short stopped all communications with client who then had to hire a new lawyer to help finish the informal probate. Mr. Short failed to respond to the State Bar inquiries.

In Count II, Mr. Short represented wife in a dissolution action. Husband was also represented by an attorney. The parties entered into an agreement that resolved all issues and placed the agreement on the record. Despite multiple requests, Mr. Short failed to sign the document. He failed to withdraw as counsel. Opposing

counsel lodged the consent decree signed by her and both parties, but without Mr. Short's signature. He failed to respond to the State Bar inquiries.

In Count III, Mr. Short represented plaintiff in a civil action. The court found he,

completely abandoned his duties as an attorney and caused Defendants to needlessly spend time and effort to get Plaintiff to comply with the rules of discovery. [Mr. Short] did not even bother to show up for the court hearing on September 8, 2017, even though his motion to withdraw as Plaintiff's attorney was denied.

Judgment was entered against his client due to his failure to respond to basic disclosures and discovery matters. He abandoned his client and failed to respond to the State Bar inquires.

PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint on September 19, 2018. On September 20, 2018, the complaint was served on Mr. Short by certified, delivery restricted mail, and by regular first-class mail, pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct. Mr. Short filed no answer or otherwise defend against the complainant's allegations and default ultimately was effective on November 6, 2018. Notice was sent to all parties by mail and email notifying them that an aggravation mitigating hearing was scheduled for November 29, 2018 at 10:30 a.m., at the State Courts Building, 1501 West Washington, Phoenix, Arizona.

The aggravation mitigating hearing was scheduled for and heard on November 29, 2018, at 10:30 a.m. The Hearing Panel, comprised of James M. Marovich, volunteer attorney member, Richard Westby, volunteer public member, and the Presiding Disciplinary Judge William J. O’Neil, (“PDJ”) heard the proceeding. Senior Bar Counsel Shauna R. Miller appeared on behalf of the State Bar of Arizona. Mr. Short did not appear. Exhibits 1-42 were admitted. The State Bar sought a two-year suspension.

FINDINGS OF FACT

By the effective default of Mr. Short, the allegations in the complaint are deemed admitted and adopted by the hearing panel. The exhibits support those allegations and the State Bar made an offer of proof and had witnesses available to testify telephonically.

At all times relevant, Mr. Short was a licensed Arizona lawyer admitted to practice on September 10, 2009. On June 26, 2018, pursuant to Rule 62, Ariz. R. Sup. Ct., Mr. Short was summarily suspended for non-payment of dues.

COUNT ONE (File no. 17-2341/Smithberg)

1. Ron Smithberg (“Mr. Smithberg”) contacted Mr. Short in July 2016 and hired Mr. Short to represent him in an informal probate of his cousin Charles A. Rhodes (“Charles or the Charles estate”) estate. Mr. Short was paid \$2,500 to handle the probate process.

2. Charles owned some real estate that had to be liquidated as part of the probate. During that process, Mr. Smithberg found out that Charles had done nothing with his father's estate (Harvey's estate), who passed away on October 18, 2015.

3. Mr. Smithberg contacted Mr. Short around December 2016 to find out what he would charge to also handle Harvey's estate. Mr. Short told Mr. Smithberg he would need to pay another \$2,500, plus costs.

4. In February 2017, Mr. Smithberg told Mr. Short he wanted to hire him for Harvey's estate. Mr. Short did not respond to Mr. Smithberg. Mr. Smithberg tried to contact Mr. Short every couple of weeks with no response except for an occasional response that Mr. Short was in the process of moving his office.

5. In March 2017, Mr. Smithberg received an email from Mr. Short advising Mr. Smithberg that Mr. Short no longer had a secretary and he needed to close out the estate or have another lawyer take over. Mr. Smithberg told Mr. Short there was still a house to sell from Charles' estate. Mr. Short had already been paid for the Charles estate work and Mr. Smithberg told Mr. Short to either complete the work or provide a refund.

6. The last contact Mr. Smithberg had with Mr. Short was a phone call the end of March or the beginning of April 2017, in which Mr. Short advised he was closing his office. Mr. Smithberg again asked for a refund. Since then, Mr.

Smithberg has emailed, texted, and called Mr. Short numerous times with no answer or response.

7. Mr. Smithberg had to hire a new lawyer to help him finish the Charles probate.

8. On August 7, 2017, the initial charging letter with Mr. Smithberg's allegations was sent to Mr. Short at his address of record with the State Bar. Mr. Short was asked to respond no later than August 28, 2017. Mr. Short failed to respond.

9. On September 5, 2017, a non-response letter was sent to Mr. Short's address of record with the State Bar and he was given until September 15, 2017, to respond. Mr. Short failed to respond.

10. On September 29, 2017, the above listed letters were emailed to Mr. Short at his email address of record with the State Bar. Mr. Short failed to respond.

11. On September 29, 2017, bar counsel's secretary called Mr. Short's telephone number of record with the State Bar. The number was disconnected.

12. On October 29, 2017, Mr. Short emailed bar counsel with his response to the bar charge. Mr. Short says he told Mr. Smithberg he was not going to take the Harvey probate case and asked if he wanted Mr. Short to continue with the ongoing one; however, in a March 31, 2017 email to Mr. Smithberg; Mr. Short writes, "[I] do not know why you did not receive the fee agreement and paperwork we sent on

the second probate issue. On that issue, Gwen is no longer my employee (which also caused issues) and without her you would probably best be served with a different attorney for that.”

13. Based upon the foregoing Mr. Short violated Rule 42, **ERs 1.2, 1.3, 1.4, 1.16(d), and Rule 54(d)**, Ariz. R. Sup. Ct.

- a. **ER 1.2 (Scope of representation)** (A lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by ER 1.4, shall consult with the client as to the means by which they are to be pursued). Mr. Short failed to finish the Charles probate case, which was the objective of the representation.
- b. **ER 1.3 (Diligence)** (A lawyer shall act with reasonable diligence and promptness in representing a client). Mr. Short failed to act diligently in representing Mr. Smithberg in the probate case.
- c. **ER 1.4 (Communication)** (A lawyer shall consult with the client, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation). Mr. Short did not respond to Mr. Smithberg on numerous occasions, when Mr. Smithberg was attempting to get information about the probate case.
- d. **ER 1.16(d) (Declining or Terminating Representation)** (Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned). Mr. Short failed to protect Mr. Smithberg's by properly withdrawing.
- e. **Rule 54 (d)(Grounds for Discipline)** (Failure to promptly furnish information requested by the State Bar). Mr. Short failed to promptly respond to the State Bar's request for information.

The State Bar requested a finding that Mr. Short also violated ER 1.5. We find there was insufficient evidence to conclude the fee he charged was unreasonable.

COUNT TWO (File no. 17-2612/ Schauman)

16. Mr. Short represented Stacy Schauman (Ms. Schauman) in her divorce from July 2016 through March 2017.

17. The parties reached full agreement on December 8, 2016, and on December 30, 2016, they placed the agreement on the record.

18. On February 17, 2017, a notice of lodging the consent decree was filed by opposing counsel. The notice stated that Mr. Short provided the executed Consent Decree to opposing counsel Allyson Del Vecchio (Ms. Del Vecchio), but Mr. Short never signed as required. Ms. Del Vecchio made repeated requests for Mr. Short to sign, but he never provided his original signature page.

19. Mr. Short also failed to provide Ms. Del Vecchio with the executed Dissolution Settlement Agreement. Ms. Del Vecchio lodged the consent decree signed by her and both parties, but without Mr. Short's signature.

20. On March 7, 2017, the Court filed and mailed the signed consent decree to parties, without Mr. Short's signature. Mr. Short is still listed as Ms. Schauman's attorney.

21. On April 13, 2017, Ms. Del Vecchio withdrew as counsel; as of August 17, 2018, Mr. Short has not filed a notice of withdrawal.

22. In August 2017, Ms. Schauman was trying to get in touch with Mr. Short to help her with a letter she received regarding the divorce. She tried calling and emailing Mr. Short, but he did not respond. The last communication Ms. Schauman had with Mr. Short was in April 2017.

23. On October 17, 2017, the initial charging letter was mailed to Mr. Short's address of record with the State Bar; he was asked to respond by November 7, 2017. Mr. Short failed to respond.

24. On December 8, 2017, a non-response letter was mailed and emailed to Mr. Short's email address and address of record with the State Bar; Mr. Short failed to respond.

25. Based upon the foregoing Mr. Short violated Rule 42, **ERs 1.2, 1.3, 1.4, 1.16(d), and Rule 54(d)**, Ariz. R. Sup. Ct. including, but not limited to:

- a. **ER 1.2 (Scope of representation)** (A lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by ER 1.4, shall consult with the client as to the means by which they are to be pursued). Mr. Short failed to sign the dissolution settlement agreement.
- b. **ER 1.3 (Diligence)** (A lawyer shall act with reasonable diligence and promptness in representing a client). Mr. Short failed to act diligently in the dissolution case.
- c. **ER 1.4 (Communication)** (A lawyer shall consult with the client, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and explain a matter

to the extent reasonably necessary to permit the client to make informed decisions regarding the representation). Mr. Short did not respond to Ms. Schauman on numerous occasions.

- d. **ER 1.16(d) (Declining or Terminating Representation)** (Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned). Mr. Short failed to protect Ms. Schauman's interests by either finishing the dissolution or appropriately withdrawing.
- e. **ER 8.1(b) (disciplinary matters)** (A lawyer shall not knowingly fail to respond to a lawful demand for information from the State Bar).
- f. **Rule 54 (d)(Grounds for Discipline)** (Failure to promptly furnish information requested by the State Bar). Mr. Short failed to promptly respond to the State Bar's request for information.

COUNT THREE (File no. 17-3845/Judicial Referral)

26. In the case *McCall v. Arvidson* CV2016-013496, Mr. Short represented Patricia McCall. On October 13, 2017, Judge Mroz filed a minute entry that reads in part:

The Court has considered Defendants' Motion to Dismiss and Request for Award of Sanctions; in the Alternative Defendant's Motion to Compel Disclosure and Discovery Responses and Request for Sanctions filed on June 29, 2017, [Mr. Short's] Response to the court's September 8th Minute Entry filed on October 2, 2017, and Defendant's Reply filed on October 4, 2017. The Court does not need oral arguments to decide this issue. The Court agrees with all of the Defendant's arguments. [Mr. Short] had completely abandoned his duties as an attorney and caused Defendant's to needlessly spend time and effort to get Plaintiff to comply with the rules of discovery. [Mr. Short] did not even bother to show up for the court hearing on September 8, 2017, even though his motion to withdraw as Plaintiff's attorney was denied.

27. By minute entry dated September 8, 2017, the Court withdrew Mr. Short as Ms. McCall's attorney; she represented herself from that point forward.

28. On May 9, 2018, the Court granted the defendant's motion for summary judgment and entered final judgment. As of August 17, 2018, the matter was on appeal.

29. On December 18, 2017, the initial charging letter was mailed and emailed to Mr. Short's addresses of record with the State Bar and he was asked to respond by January 10, 2018. Mr. Short failed to respond.

30. On January 17, 2018, the non-response letter was mailed and emailed to Mr. Short's addresses of record with the State Bar; Mr. Short failed to respond.

31. Based upon the foregoing Mr. Short violated Rule 42, **ERs 3.2, 3.4(c), 8.1(b), 8.4(d) and Rule 54(c) and (d)**, Ariz. R. Sup. Ct. including, but not limited to:

- a. **ER 3.2. (Expediting Litigation)**, A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
- b. **ER 3.4 (Fairness to Opposing Party and Counsel)** A lawyer shall not: (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;
- c. **ER 8.1(b) (disciplinary matters)** (A lawyer shall not knowingly fail to respond to a lawful demand for information from the State Bar).
- d. **ER 8.4(d) (Misconduct)** (It is professional misconduct for a lawyer to: engage in conduct that is prejudicial to the administration of justice).

- e. **Rule 54 (c) (Grounds for Discipline)** (Knowing violation of any rule or any order of the court).
- f. **Rule 54 (d)(Grounds for Discipline)** (Failure to furnish information requested by the State Bar).

CONCLUSIONS OF LAW

Although the allegations are deemed admitted by default, there has also been an independent determination by the Hearing Panel that the State Bar has proven by clear and convincing evidence that Mr. Short violated the ethical rules.

Based upon the facts deemed admitted and the evidence presented at the aggravation/mitigation hearing, the Hearing Panel finds by clear and convincing evidence that Mr. Short violated the following: Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.2, 1.3, 1.4, 1.16(d), 3.1, 3.2, 3.4(c), 8.1(b), 8.4(d), and Rule 54(c), (d)(1) and (2).

ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should consider: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*.

Duties violated:

Mr. Short violated his duty to his clients by violating ERs 1.2, 1.3, 1.4, and 1.16. Mr. Short violated his duty to the legal system by violating ERs 3.1, 3.2, and 3.4(c). Mr. Short also violated his duty owed as a professional by violating ERs 8.1(b) and 8.4(d), as well as Rule 54(c), (d)(1) and (2).

Mental State and Injury:

Mr. Short violated his duty to clients, thereby implicating *Standard 4.4*.

Standard 4.42 states:

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. Short knowingly failed to perform services for clients and engaged in a pattern of neglect of client matters, all which caused serious or potentially serious injury to clients. Therefore, *Standard 4.42* applies.

Mr. Short also violated his duty owed as a professional, which implicates *Standard 7.0*. *Standard 7.2* states, "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."

Mr. Short knew of the State Bar's investigations into his conduct in the three counts above, and he failed to substantively respond to the State Bar; therefore, *Standard 7.2* applies.

AGGRAVATING AND MITIGATING FACTORS

After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanction to impose. The Hearing Panel finds the following aggravating factors are present in this matter:

Standard 9.22:

- (a) prior disciplinary offenses; Admonition and Probation; file no. 12-3129, ERs 1.5, 1.7, 1.16(d), 5.3(b) and 5.5(a). 10/26/16. Probation; file no. 13-2238, ERs 5.4(a), 5.5(a), 8.4(d). Two years to run concurrent with file no. 12-3129. 10/26/16.
- (c) a pattern of misconduct; "This Court has found patterns when a lawyer had a prior disciplinary record concerning similar misconduct, and a lawyer engaged in misconduct involving multiple parties in different matters that often occurred over an extended period of time. *In re Alexander*, 232 Ariz. 1, 15, 300 P.3d 536, 550 (2013). Mr. Short has been previously sanctioned for violation of ERs 1.5, 1.16(d), and 8.4(d).
- (d) multiple offenses; "This court has applied the aggravating factor of multiple offenses to a lawyer's misconduct that involved multiple clients or multiple matters." *In re Peasley*, 208 Ariz. 27, 37, 90 P.3d 764, 774 (2004). The Court considers this "to be a very serious aggravating factor." *Id.* Mr. Short's misconduct involves multiple clients and multiple matters.
- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency. Mr. Short responded in Count One, but only after the matter had been submitted to the Attorney Discipline Probable Cause Committee. He failed to respond in the other two counts.
- (i) substantial experience in the practice of law. Mr. Short has been practicing for nine years.

The Hearing Panel finds the following mitigating factor applies:

Standard 9.32

- (c) personal or emotional problems. On October 29, 2018, Mr. Short emailed the Disciplinary Clerk the following email message which was forwarded to the State Bar:

“I do not know anything about any of this. I am now and have been for some time in a mental health facility. So what do I need to do?”

The email address this message was sent from is Mr. Short’s email address of record with the State Bar and is the email address the State Bar has been using to communicate with Mr. Short, along with his address of record. On October 31, 2018, Mr. Short sent the following email to the Disciplinary Clerk which was forwarded to the State Bar: “I am homeless and i dont (sic) understand what you mean.”

Mr. Short says that he is homeless or in a mental hospital, but gives no other supporting information or documentation, but he is receiving his emails at azchris_1979@yahoo.com.

The Hearing Panel finds the sole mitigating factor is given the weight warranted and finds absent evidence, it does not outweigh the aggravating factors.

Suspension is appropriate because Mr. Short has knowingly failed to perform services for his client and has engaged in a pattern of neglect. The State Bar requests a suspension of two years.

CONCLUSION

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also

the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Hearing Panel has made the above findings of fact and conclusions of law. The Hearing Panel has determined the sanction using the facts deemed admitted, the *Standards*, the aggravating factors, the mitigating factor, and the goals of the attorney discipline system. The Hearing Panel orders:

1. Respondent Christopher S. Short, Bar No. 027130, shall be suspended from the practice of law for two (2) years effective immediately.
2. Mr. Short shall pay all costs and expenses incurred by the SBA and the Office of the Presiding Disciplinary Judge in this proceeding.

A Final Judgment and Order will follow.

DATED this 4th day of December 2018.

Signature on File
William J. O'Neil, Presiding Disciplinary Judge

Signature on File
James M. Marovich, Volunteer Attorney Member

Signature on File
Richard L. Westby, Volunteer Public Member

Copy of the foregoing emailed/mailed
this 4th day of December, 2018, to:

Shauna R. Miller
Senior Bar Counsel
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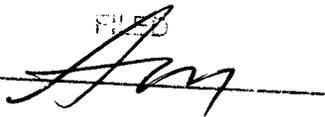
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

SEP 19 2018

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IN THE MATTER OF A SUSPENDED
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CHRISTOPHER S. SHORT,
Bar No. 027130,

Respondent.

PDJ 2018-9083

[State Bar File Nos. 17-2341, 17-
2612, 17-3845]

COMPLAINT

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a licensed Arizona lawyer who was admitted practice on September 10, 2009.
2. On June 26, 2018, pursuant to Rule 62, Ariz. R. Sup. Ct., Respondent was summarily suspended for non-payment of dues.

COUNT ONE (File no. 17-2341/Smithberg)

3. Ron Smithberg (“Mr. Smithberg”) contacted Respondent in July 2016 and hired Respondent to represent him in an informal probate of his cousin Charles A. Rhodes (“Charles or the Charles estate”) estate. Respondent was paid \$2,500 to handle the probate process.

4. Charles owned some real estate that had to be liquidated as part of the probate. During that process, Mr. Smithberg found out that Charles had done nothing with his father's estate (Harvey’s estate), who passed away on October 18, 2015.

5. Mr. Smithberg contacted Respondent around December 2016 to find out what he would charge to also handle Harvey's estate. Respondent told Mr. Smithberg he would need to pay another \$2,500, plus costs.

6. In February 2017, Mr. Smithberg told Respondent he wanted to hire him for Harvey’s estate. Respondent did not respond to Mr. Smithberg. Mr. Smithberg tried to contact Respondent every couple of weeks with no response except for an occasional response that Respondent was in the process of moving his office.

7. In March 2017, Mr. Smithberg received an email from Respondent advising Mr. Smithberg that Respondent no longer had a secretary and he needed to close out the estate or have another lawyer take over. Mr. Smithberg told Respondent there was still a house to sell from Charles' estate. Respondent had already been paid for the Charles estate work and Mr. Smithberg told Respondent to either complete the work or provide a refund.

8. The last contact Mr. Smithberg had with Respondent was a phone call the end of March or the beginning of April 2017, in which Respondent advised he was closing his office. Mr. Smithberg again asked for a refund. Since then, Mr. Smithberg has emailed, texted, and called Respondent numerous times with no answer or response.

9. Mr. Smithberg had to hire a new lawyer to help him finish the Charles probate.

10. On August 7, 2017, the initial charging letter with Mr. Smithberg's allegations was sent to Respondent at his address of record with the State Bar. Respondent was asked to respond no later than August 28, 2017. Respondent failed to respond.

11. On September 5, 2017, a non-response letter was sent to Respondent's address of record with the State Bar and he was given until September 15, 2017, to respond. Respondent failed to respond.

12. On September 29, 2017, the above listed letters were emailed to Respondent at his email address of record with the State Bar. Respondent failed to respond.

13. On September 29, 2017, bar counsel's secretary called Respondent's telephone number of record with the State Bar. The number was disconnected.

14. On October 29, 2017, Respondent emailed bar counsel with his response to the bar charge. Respondent says he told Mr. Smithberg he was not going to take the Harvey probate case and asked if he wanted Respondent to continue with the ongoing one. Contrary to that statement, however, is a March 31, 2017 email to Mr. Smithberg; Respondent writes, "[I] do not know why you did not receive the fee agreement and paperwork we sent on the second probate issue. On that issue, Gwen is no longer my employee (which also caused issues) and without her you would probably best be served with a different attorney for that."

15. Based upon the foregoing Respondent violated Rule 42, **ERs 1.2, 1.3, 1.4, 1.5. 1.16(d), and Rule 54(d)**, Ariz. R. Sup. Ct. Specifically:

- a. **ER 1.2 (Scope of representation)** (A lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by ER 1.4, shall consult with the client as to the means by which they are to be pursued). Respondent failed to finish the Charles probate case, which was the object of the representation.
- b. **ER 1.3 (Diligence)** (A lawyer shall act with reasonable diligence and promptness in representing a client). Respondent failed to act diligently in representing Mr. Smithberg in the probate case.
- c. **ER 1.4 (Communication)** (A lawyer shall consult with the client, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation). Respondent did not respond to Mr. Smithberg on numerous occasions, when Mr. Smithberg was attempting to get information about the probate case.
- d. **ER 1.5 (a)(Fees)** (A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses). There was no value in the services Respondent provided to Mr. Smithberg as he had to retain a new lawyer to finalize the Charles probate case; therefore the fee was unreasonable.
- e. **ER 1.16(d) (Declining or Terminating Representation)** (Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering documents and property to which the client is

entitled and refunding any advance payment of a fee that has not been earned). Respondent failed to protect Mr. Smithberg's interests by abandoning the matter instead of taking steps to protect Mr. Smithberg's interests.

- f. **Rule 54 (d)(Grounds for Discipline)** (Failure to promptly furnish information requested by the State Bar). Respondent failed to promptly respond to the State Bar's request for information.

COUNT TWO (File no. 17-2612/ Schauman)

16. Respondent represented Stacy Schauman (Ms. Schauman) in her divorce from July 2016 through March 2017.

17. The parties reached full agreement on December 8, 2016, and on December 30, 2016, they placed the agreement on the record.

18. On February 17, 2017, a notice of lodging the consent decree was filed by opposing counsel. The notice stated that Respondent provided the executed Consent Decree to opposing counsel Allyson Del Vecchio (Ms. Del Vecchio), but Respondent never signed as required. Ms. Del Vecchio made repeated requests for Respondent to sign, but he never provided his original signature page.

19. Respondent also failed to provide Ms. Del Vecchio with the executed Dissolution Settlement Agreement. Ms. Del Vecchio lodged the consent decree signed by her and both parties, but without Respondent's signature.

20. On March 7, 2017, the Court filed and mailed the signed consent decree to parties, without Respondent's signature. Respondent is still listed as Ms. Schauman's attorney.

21. On April 13, 2017, Ms. Del Vecchio withdrew as counsel; as of August 17, 2018, Respondent has not filed a notice of withdrawal.

22. Ms. Schauman was trying to get in touch with Respondent to help her with a letter she received regarding the divorce. She tried calling and emailing Respondent but he did not respond. The last communication Ms. Schauman had with Respondent was in April 2017.

23. On October 17, 2017, the initial charging letter was mailed to Respondent's address of record with the State Bar; he was asked to respond by November 7, 2017. Respondent failed to respond.

24. On December 8, 2017, a non-response letter was mailed and emailed to Respondent's email address and address of record with the State Bar; Respondent failed to respond.

25. Based upon the foregoing Respondent violated Rule 42, **ERs 1.2, 1.3, 1.4, 1.5, 1.16(d), and Rule 54(d)**, Ariz. R. Sup. Ct. Specifically:

- a. **ER 1.2 (Scope of representation)** (A lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by ER 1.4, shall consult with the client as to the means by which they are to be pursued). Respondent failed to finish the Charles probate case, which was the object of the representation.
- b. **ER 1.3 (Diligence)** (A lawyer shall act with reasonable diligence and promptness in representing a client). Respondent failed to act diligently in representing Mr. Smithberg in the probate case.
- c. **ER 1.4 (Communication)** (A lawyer shall consult with the client, keep the client reasonably informed about the status of the matter, promptly comply with reasonable requests for information, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation). Respondent did not respond to Mr. Smithberg on numerous occasions, when Mr. Smithberg was attempting to get information about the probate case.
- d. **ER 1.16(d) (Declining or Terminating Representation)** (Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering documents and property to which the client is entitled and refunding any advance payment of a fee that has not been earned). Respondent failed to protect Mr. Smithberg's interests by basically abandoning his matter instead of taking steps to protect Mr. Smithberg's interests.

- e. **ER 8.1(b) (disciplinary matters)** (A lawyer shall not knowingly fail to respond to a lawful demand for information from the State Bar).
- f. **Rule 54 (d)(Grounds for Discipline)** (Failure to promptly furnish information requested by the State Bar). Respondent failed to promptly respond to the State Bar's request for information.

COUNT THREE (File no. 17-3845/Judicial Referral)

26. In the case *McCall v. Arvidson* CV2016-013496, Respondent represented Patricia McCall. On October 13, 2017 Judge Mroz filed a minute entry that reads in part:

The Court has considered Defendants' Motion to Dismiss and Request for Award of Sanctions; in the Alternative Defendant's Motion to Compel Disclosure and Discovery Responses and Request for Sanctions filed on June 29, 2017, [Respondent's] Response to the court's September 8th Minute Entry filed on October 2, 2017, and Defendant's Reply filed on October 4, 2017. The Court does not need oral arguments to decide this issue. The Court agrees with all of the Defendant's arguments. [Respondent] had completely abandoned his duties as an attorney and caused Defendant's to needlessly spend time and effort to get Plaintiff to comply with the rules of discovery. [Respondent] did not even bother to show up for the court hearing on September 8, 2017, even though his motion to withdraw as Plaintiff's attorney was denied.

27. By minute entry dated September 8, 2017, the Court withdrew Respondent as Ms. McCall's attorney; she represented herself from that point forward.

28. On May 9, 2018, the Court granted the defendant's motion for summary judgment and entered final judgment. As of August 17, 2018, the matter was on appeal.

29. On December 18, 2017, the initial charging letter was mailed and emailed to Respondent's addresses of record with the State Bar and he was asked to respond by January 10, 2018. Respondent failed to respond.

30. On January 17, 2018, the non-response letter was mailed and emailed to Respondent's addresses of record with the State Bar; Respondent failed to respond.

31. Based upon the foregoing Respondent violated Rule 42, **ERs 3.2, 3.4(c), 8.1(b), 8.4(d) and Rule 54(c) and (d)**, Ariz. R. Sup. Ct. Specifically:

- a. **ER 3.2. (Expediting Litigation)**, A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
- b. **ER 3.4 (Fairness to Opposing Party and Counsel)** A lawyer shall not: (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;
- c. **ER 8.1(b) (disciplinary matters)** (A lawyer shall not knowingly fail to respond to a lawful demand for information from the State Bar).

- d. **ER 8.4(d) (Misconduct)** (It is professional misconduct for a lawyer to: engage in conduct that is prejudicial to the administration of justice).
- e. **Rule 54 (c) (Grounds for Discipline)** (Knowing violation of any rule or any order of the court).
- f. **Rule 54 (d)(Grounds for Discipline)** (Failure to furnish information requested by the State Bar).

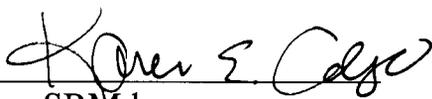
DATED this 19th day of September, 2018.

STATE BAR OF ARIZONA



Shauna R. Miller
Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 19th day of September, 2018.

by: 
SRM:kec

**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

FILED
SEP 14 2018
BY *[Signature]*

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

No. 17-2612

**CHRISTOPHER S. SHORT
Bar No. 027130**

PROBABLE CAUSE ORDER

Respondent.

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-6-1, the Committee finds probable cause exists to file a complaint against Respondent in File No. 17-2612.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 14 day of September, 2018.

Lawrence F. Winthrop

Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

Original filed this 14th day
of September, 2018, with:

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

Copy mailed this 18th day
of September, 2018, to:

Christopher S. Short
Christopher S. Short PC
PO Box 87180
Phoenix, Arizona 85080-7180
Respondent

Copy mailed this 18th day
of September, 2018, to:

Attorney Discipline Probable Cause Committee
Of the Supreme Court of Arizona
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Lawyer Regulation Records Manager
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E-mail: LRO@staff.azbar.org

By: Karen S. Colson

FILED

SEP 14 2018

BY



**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

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

**CHRISTOPHER S. SHORT
Bar No. 027130**

Respondent.

No. 17-2341

PROBABLE CAUSE ORDER

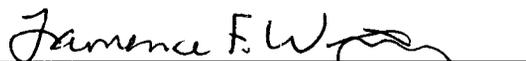
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1, the Committee finds probable cause exists to file a complaint against Respondent in File No. 17-2341.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 14 day of September, 2018.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

Original filed this 14th day
of September, 2018 with:

Lawyer Regulation Records Manager
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E-mail: LRO@staff.azbar.org

by: *Karen E. Calcano*

**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

FILED
SEP 14 2018
BY 

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

No. 17-3845

PROBABLE CAUSE ORDER

**CHRISTOPHER S. SHORT
Bar No. 027130**

Respondent.

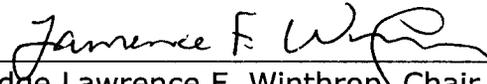
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1, the Committee finds probable cause exists to file a complaint against Respondent in File No. 17-3845.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 14 day of September, 2018.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

Original filed this 14th day
of September, 2018, with:

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By: *Karen S. Calvey*