

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GARRETT J. WILKES,
Bar No. 030995

Respondent.

PDJ-2018-9004

**ORDER OF CONSENT TO
INTERIM SUSPENSION**

[State Bar No. 18-0125]

FILED FEBRUARY 28, 2018

On January 12, 2018, the State Bar of Arizona moved for Interim Suspension (Motion) of Respondent, Garrett J. Wilkes, Bar No. 030995 under rule 61, Ariz. R. Sup. Ct.¹ Mr. Wilkes is represented by Ralph W. Adams, *Adams & Clark PC*. The allegations were verified and additionally supported by attached Exhibits A-U. By Order filed January 17, 2018, the PDJ ordered the State Bar to serve Wilkes with the motion.

Mr. Wilkes timely filed a Response to the Motion for Interim Suspension (Response) on February 5, 2018. Wilkes contingently agreed to a period of interim suspension but only if it is effective March 31, 2018. He stated this was to arrange for alternative counsel for his clients. The PDJ accepts that reason. However, as stated in an Order dated February 15, 2018, that agreement could not be accepted because there is no authority for such a contingent interim suspension under Rule 61

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

or for such a delay in its entry. The hearing was required by rule to be set within ten business days and a ruling made within five business days after that hearing.

The matter was scheduled for a February 27, 2018 hearing. On February 26, 2018, the parties filed a formal consent to interim suspension and requested the hearing be vacated. The consent states, “Respondent has stipulated to the relief sought in the State Bar’s Motion for Interim Suspension.” Mr. Wilkes is represented by counsel experienced in attorney discipline law and also signed the formal consent.

The verified Motion and attachments are unopposed (not stipulated as true) by the consent and establish that probable cause exists for the requested relief sought and interim suspension is appropriate by stipulation. The State Bar has not requested an ordering restricting his trust account. Mr. Wilkes has agreed that upon entry of this Order “he will not accept for representation any new clients and will not accept funds except those previously earned and past due.”

By the consent, the PDJ finds Mr. Wilkes has waived any right to present evidence, and cross-examine witnesses. The PDJ also finds the consent was knowingly, intelligently and voluntarily entered. The consent is accepted.

The consent of Mr. Wilkes and the interim suspension order that follows may not be presented to establish the merits of any future complaint that might be filed regarding the factual allegations stated within the Motion.

Under Rule 61(a), an interim suspension may be entered upon a showing of probable cause that a lawyer “is engaging in conduct that has caused or is likely to cause immediate and substantial harm to clients, the public, or the administration of justice.” The State Bar alleges multiple counts of client abandonment, retention of excessive client fees, and the theft of client funds and client files.

The PDJ finds in accordance with Rule 61(a) that probable cause exists that Mr. Wilkes is engaging in conduct that has caused or is likely to cause immediate and substantial harm to clients, the public, or the administration of justice. The existence of that probable cause warrants the requested relief sought and interim suspension is appropriate.

Now Therefore,

IT IS ORDERED Respondent **Garrett J. Wilkes, Bar No. 030995**, is suspended from the practice of law pursuant to Rule 61(d), on an interim basis effective March 15, 2018.

IT IS FURTHER ORDERED as provided in Rule 61(d), such suspension shall continue in force until final disposition of all pending disciplinary proceedings against Garrett J. Wilkes, unless vacated or modified.

IT IS FURTHER ORDERED effective immediately Garrett J. Wilkes shall not accept for representation any clients and is precluded from accepting funds for that purpose, but may accept funds previously earned and past due.

IT IS FURTHER ORDERED pursuant to Supreme Court Rule 72(a), Garrett J. Wilkes shall notify all his clients of the terms of this order within ten (10) days from this date and as required by Rule 72(e), shall timely file notice of his compliance with this Order with the Disciplinary Clerk and the Supreme Court.

IT IS FURTHER ORDERED setting a telephonic status review pursuant to Rule 61(c)(D), on **June 5, 2018 at 11:00 a.m.** The State Bar is reminded that under that Rule it must expeditiously proceed with any related disciplinary investigation and proceeding. This status review shall automatically be vacated without further order upon the filing by the State Bar of a complaint regarding this matter.

DATED this 28th day of February, 2018.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing emailed/mailed
this 28th day of February, 2018 to:

Rebecca N. Kennelly
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: lro@staff.azbar.org

Ralph Adams
Adams & Clark, PC
520 east Portland Street, Suite 200
Phoenix, AZ 85004
Email: Ralph@adamsclark.com
Respondent's Counsel

by: AMcQueen

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

FEB 26 2018

Rebecca Nicole Kennelly, Bar No. 025597
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FILED
BY 

Ralph W. Adams, Bar No. 015599
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520 East Portland Street
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Telephone 602-258-3542
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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**GARRETT J. WILKES,
Bar No. 030995,**

Respondent.

PDJ 2018-9004

State Bar File Nos. **18-0125**

**CONSENT TO INTERIM
SUSPENSION AND REQUEST
TO VACATE HEARING**

The State Bar of Arizona filed a Motion for Interim Suspension pursuant to Rule 61(c)(2), Ariz. R. Sup. Ct., against Respondent, Garrett J Wilkes, on January 12, 2018. The State Bar alleged Respondent engaged in conduct which will result in

substantial harm, loss or damage to the public, the legal profession or the administration of justice.

Counsel for Respondent, Ralph W Adams, filed a Response to Motion for Interim Suspension on February 5, 2018.

The State Bar of Arizona, through undersigned Bar Counsel, and Counsel for Respondent hereby give notice that Respondent has stipulated to the relief sought in the State Bar's Motion for Interim Suspension. Specifically, Respondent stipulates to be suspended from the practice of law effective on March 15, 2018, on an interim basis, which shall continue until final disposition of all pending disciplinary proceedings against Respondent, unless vacated or modified.

Further, Respondent agrees that effective immediately upon entry of this order that he will not accept for representation any new clients and will not accept funds except those previously earned and past due. Respondent also agrees to immediately begin the process of notifying his clients of the terms of this order, begin the process of transitioning client cases to new counsel, and issue refunds for any unearned fees and/or return advanced fees.

request the interim suspension hearing scheduled for February 27, 2018, be vacated.

RESPECTFULLY SUBMITTED this 26th day of February 2018.

STATE BAR OF ARIZONA



Rebecca Nicole Kennelly
Staff Bar Counsel

Garrett J Wilkes
Respondent

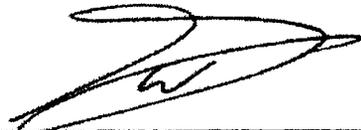
Ralph W Adams
Counsel for Respondent

request the interim suspension hearing scheduled for February 27, 2018, be vacated.

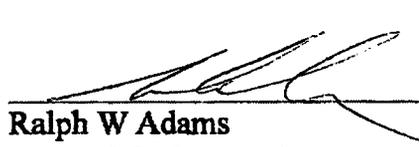
RESPECTFULLY SUBMITTED this _____ day of 2/23/2018.

STATE BAR OF ARIZONA

Rebecca Nicole Kennelly
Staff Bar Counsel



Garrett J Wilkes
Respondent

 2/20/18

Ralph W Adams
Counsel for Respondent

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 26th day of February, 2018.

Copy of the foregoing emailed
this 26th 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

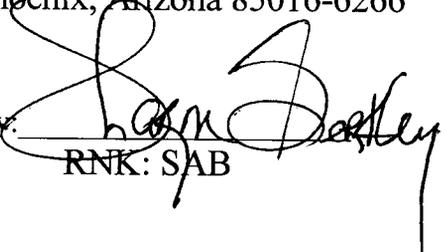
Copy of the foregoing mailed/emailed
this 26th day of February, 2018, to:

Ralph W. Adams, Adams & Clark PC
520 East Portland Street
Phoenix, Arizona 85004-1843
Email: ralph@adamsclark.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 26th day of February, 2018, to:

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

by:


RNK: SAB