

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

PAM CROWDER-ARCHIBALD
Bar No. 016442

Respondent.

PDJ 2018-9122

FINAL JUDGMENT AND ORDER

[State Bar Nos. 17-3763, 17-3764, 18-
0031]

FILED APRIL 19, 2019

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent filed by the parties on April 19, 2019.

Accordingly:

IT IS ORDERED Respondent, **PAM CROWDER-ARCHIBALD Bar No. 016442** is suspended for two (2) years for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective this date.

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 upon reinstatement, Respondent shall be placed on probation for two (2) years.

IT IS FURTHER ORDERED Respondent shall be subject to any additional

terms imposed by the Presiding Disciplinary Judge resulting from any reinstatement hearings held.

IT IS FURTHER ORDERED Respondent shall pay restitution to Kyndl Wallace in the amount of \$1,000.00 within thirty (30) days from the date of this order.

IT IS FURTHER ORDERED Respondent shall pay the costs and expenses of the State Bar of Arizona for \$1,209.49 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 19th day of April, 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 19th day of April, 2019, to:

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

Pam Crowder-Archibald
Email: Pamarchibald7@gmail.com
Respondent

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

PAM CROWDER-ARCHIBALD
Bar No. 016442

Respondent.

PDJ-2018-9122

**ORDER RECONSIDERING AND
ACCEPTING AGREEMENT**

[State Bar Nos. 17-3763, 17-3764, 18-
0031]

FILED APRIL 19, 2019

Under Rule 57(a), Ariz. R. Sup. Ct., an Agreement for Discipline by Consent (“Agreement”), was filed on March 19, 2019. Ms. Crowder-Archibald conditionally admitted to violating Rule 42, ER 3.3 (candor toward the tribunal), ER 5.5 (unauthorized practice of law), ER 8.4(c) (engage in conduct involving dishonesty, deceit, fraud or representation), ER 8.4(d) (conduct prejudicial to the administration to the administration of justice) and Rule 72 (notice to clients, adverse parties and other counsel). The parties stipulated to a two (2) year suspension and, if reinstated, to be placed on probation for two years. She agreed to pay costs of \$1,209.49.

Under Rule 57(a)(4), the PDJ recommended a modification for reasons separately stated in writing. The concerns included no promised proof of mitigation.

On April 19, 2019, Respondent moved for reconsideration and submitted a statement of mitigation. The circumstances described are undeserved and difficult.

They are a reminder that those who argue there are neat and easy solutions to every life problem may be well intentioned, but they are wrong. No one is free from falls, fractures, or failures. As difficult as these are, they do not excuse ethical misconduct, but they may help understand the failing.

A lawyer's personal or emotional problems, although not an excuse for misconduct, may be considered as mitigation and can lead to a reduced sanction. This may arise under a variety of circumstances and often there is overlap between *Standard 9.32(c)* and *Standards 9.32(h)*, "physical disability," or *9.32(i)*. While *Standard 9.32(c)* does not directly reference physical illnesses or problems, some courts have found these to qualify as a mitigating factor under it. Family or financial problems or stress may be considered mitigating factors under *Standard 9.32(c)*. See, e.g., *People v. Culter*, 277 P.3d 954, 963 (Colo. O.P.D.J. 2011).

However, even significant personal or emotional problems may not justify a reduction in sanction when weighed against the severity of the misconduct. Some courts have even increased the sanction imposed, despite finding personal or emotional problems. See, e.g., *People v. Carwin*, 144 P.3d 1263 (Colo. O.P.D.J. 2006); *Conner's Case*, 965 A.2d 1130, 1135 (N.H. 2009). That such mitigating factors can decrease or increase a sanction raises the question, why?

Definitionally, mitigation comprises circumstances that are "any considerations or factors that may *justify* a reduction." *Standard 9.31*. It differs from justification

which constitutes a lawful or sufficient reason that typically prevents the act from being considered wrongful. Mitigation is circumstances that establishes a sufficient reason why a respondent ethically failed. Mitigation does not explain away, avoid, or rationalize the unethical behavior. The mitigation offered by Respondent regarding her medical issues requires that direct causation be established between the physical disability and the offense. *See Commentary to Standard 9.32.*

Little suggests Respondent even acknowledges the misconduct, turned away from it, and would strive not to repeat it. In the Agreement, Respondent argues that she simply erred by not knowing when her suspension began, or when or how it would end. It is stated in both the Agreement she signed, and the proposed judgment attached to the Agreement. This is likely an ongoing rationalization that is also in her answer to the complaint.

There, she affirmatively argued that she was not engaged in the practice of law. Her positions are akin to the argument that it was just a misunderstanding. The admitted facts in the agreement prove the contrary. It evidences one avoiding a self-confrontation. A serious admission with mitigation forms a foundation for the acceptance of agreements. These events had little to do with can't and much to do with won't. Whatever the cause of the self-deception, reform begins with living in the reality of one's misconduct.

Respondent attempts to bolster her position by stating she may have found a calling helping the homeless. Pride in the proclamation of a not yet present calling, is not helpful to self-confrontation. It may set a goal through her present circumstances, but it is not mitigation. The sooner one is willing to own up realistically to one's responsibility, the sooner that person will learn and change instead of churn and blame.

Callings may come through the circumstances of life. Some pleasant, some not. The question one should ask in any difficult circumstance is, "What did I learn from this?" or "How has this changed me for the better?" This is important because it may allow even the misery of the experience to quiet the self and enables one to contemplate what actually occurred, what should be valued and, what should be done.

Attorney discipline does not have a purpose to punish the attorney. It seeks a change through that's attorney's deep reflection and honest assessment of what occurred. Here, that is remarkably absent. Desperation can lead to failings that often are the consequences of action without thought. Contrary to intuition, admitting the truth of that error can start the journey of living above one's circumstances rather than under them.

Lawyers are *made* not born. Because they are human, they can ethically fail. Those who recover from their failing typically do so because they have become profoundly honest with themselves about their own weaknesses. That is where it begins. It is through honest confrontation with these weaknesses that experiences

become agents for change to the good. That requires candor and honesty. It doesn't just happen. Those who continue to fail cast a blind eye at themselves and allow whatever ethical weakness that drives them to control them.

The described circumstances of Respondent are harsh. None of those were self-inflicted and that they are existent is not ignored. The Agreement would have likely been accepted had Respondent been candid regarding the facts of misconduct. The furnace of the circumstances of life can burn anyone. Only time can report if one will be overcome by the fire or forged into an overcomer. Time will report whether there is redemption or regret. While it is not a factor, this judge hopes the former occurs.

Although Respondent pretended she was not suspended, it is a fact she has been suspended since June 23, 2017. Her stated mitigation details difficult circumstances that typically would require the support of medical records. However, the plight of these stated continuing circumstances offers an explanatory basis for their absence. The two-year suspension will effectively result in a total suspension of over four years.

IT IS ORDERED reconsidering the recommended modification and accepting the Agreement. It is incorporated by reference with the mitigation belatedly submitted. A final judgment and order is signed this date. All hearings are accordingly vacated.

DATED this 19th day of April 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on this 19th day of April 2019, to:

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

Pam Crowder-Archibald
Email: Pamarchibald7@gmail.com
Respondent

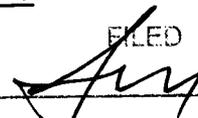
by: AMcQueen

STANDARD 9.32(C) PERSONAL OR EMOTIONAL PROBLEMS

APR 15 2019

RESPONDENT PAM ARCHIBALD

MITIGATION STATEMENT

FILED
BY 
P.D.J. 2018-9122

From 2006-2008, I was going through a divorce that left me as a single parent. My former spouse absconded with over \$400,000.00 in community assets, and then went into hiding. I was left to raise our daughter on my own. To this date, I have never received child support. The divorce left me financially and emotionally drained. Moreover, it had an adverse effect upon my practice at the time. Around that time, I had bar complaints. However, during the years that followed, I put my time into raising my daughter, practicing law, and doing church ministry. In the years that followed I focused on helping single-mothers, the faith-based church community, and doing presentation to pastors and church leaders.

Because I was a single-mother, my law practice was operated out of my home. Moreover, my daughter was diagnosed with ADHD, and I needed to be home after school to help her with school work.

Around, November of 2016, I began to suffer from chest pain, pain in my left leg and joints, fatigue, hot flashes, and moments of dizziness.

In 2017, after testing, I was diagnosed with arthritis, costochondritis in the chest, and early stages of menopause. I was given an anti-inflammatory prescription, and told that the majority of symptoms were probably secondary to menopause and that it could go on for years.

I believe that the symptoms included emotional highs and lows, disorientation at times, and inability to focus for long periods of time. My ability to practice out of a home-office also helped with my medical symptoms, as it allowed for me to take breaks and rest in bed during the days.

Around 2017, another bar complaint surfaced which was from the time period that I had gone through my divorce (2006-2008).

As a result of this complaint, I was suspended for 6 months.

By the time I was suspended for 6 months in 2017, I was suffering from the side effects of menopause, arthritis, chest-pain, fatigue, and extreme financial duress. This combination also put me in emotional distress.

At that time, I was also attempting to find alternative forms of income to support myself, and my daughter. However I was not having success at finding other forms of employment, and I had depleted my financial resources.

My daughter and I lost our home in 2018.

I was in a panic to find a place for me and my daughter to live, and I had to find a place close to her school. I was able to secure temporary housing at Budget Suites (2702 W. Yorkshire) (my last known address).

However, by December 2018, I was out of money, and I and my daughter had to leave our temporary housing at Budget Suites (2702 W. Yorkshire).

My daughter and I have no place to live.

I also filed bankruptcy in December of 2018. I was forced to file bankruptcy (2:18-BK-15701-PS) because I was behind on all my bills and facing repossession of a car.

Since January of 2019 my daughter and I have been homeless. I do not have any forwarding address to give as a "home address."

I repeatedly informed the State Bar that I was "homeless" and that I was in a crisis situation. I have been searching for employment opportunities, and a place to live.

I have literally been spending all my time and resources on trying to survive with the basic necessities of life: food, clothing and shelter for me and my daughter. My family has tried helped. But, I do not come from a wealthy family. Also, I found that most "shelters" have a waiting list and it's hard to get help.

Following the drafting of the Agreement for Discipline, I was aware that I had to draft the "Mitigation Statement." But, right after the Agreement was drafted, I desperately needed to establish a home address to give to my daughter's school because her school had no current

address for me as the parent of a minor child. So, in order to try to quickly establish a home resident address, I accepted a temp-job to try to make enough money to afford a place to live, which would then give me an address. The temp-job is located in Tempe. So, for the past several weeks, I have been working the temp-job, and doing other low paying jobs, just so that I could have money to support my daughter and myself. Moreover, during the past several weeks, I have only gotten 5-6 hours of sleep- as I have tried to do whatever I can to make ends meet. I had little access to a computer, and at times my cell phone services were interrupted due to non-payment.

I have spent the past 3-4 weeks, literally trying to survive, and my emergency situation caused me to get distracted from drafting the Mitigation Statement.

I never intended to omit drafting the Mitigation Statement.

Again, I have always made it clear to State Bar Counsel of my homelessness, and of my financial problems. I am extremely remorseful for any wrongdoing that I have done to anyone, and for any delay that I have caused this Court.

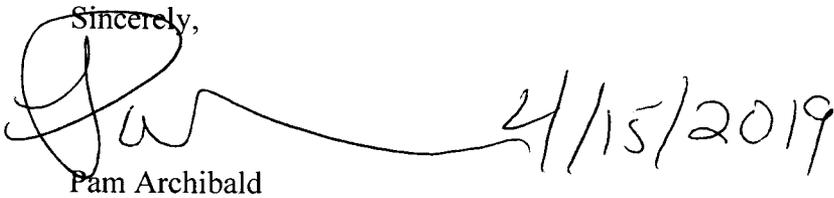
I regret the many mistakes that I have made. I have been a public person in my community, and many churches, and Christians know me, and know my character. I know that I have made mistakes that hurt people. However, there are literally thousands of people that I have helped in the past 20 years, both as a lawyer, and as a minister (I have been an ordained minister for about 19 years).

I trust in the Lord completely! I believe that everything happens for a reason. I have a new compassion for the homeless people. I will never in my life ignore them, or treat them like they're "sub-human." Many people are just one small step from disaster (fire, storm, illness, loss of job, etc.) from being homeless. I also have a new compassion for single-mothers.

I believe that I am on the road to rehabilitation, restoration, redemption, and forgiveness. My health is improving. Within the past three weeks, I have found a job that I can stay at for a while, and I hope to move into a new apartment within the next few weeks- as I am saving my money. I want to continue working with churches, doing my ministry, and raising my daughter. But I would like to do more to help single-mothers, and to help them with basic legal advice.

I request that this Court consider my Mitigation Statement, and I am asking for Reconsideration of the Discipline Agreement. I am requesting two year suspension. I believe that I will be able to overcome my financial struggles. Additionally, I have the ability to provide compassionate help to those in need. I have always helped people through charitable faith-based activities and used my legal license to do so. I have never emphasized money when people have asked for help. I have always tried to do good. I am not an evil person-- I also believe that I can avoid some of the mistakes that I made in previous years. I do not believe that I will be doing litigation practice, as I will focus on nonprofit work, teaching, and giving legal advice to special interest groups focusing on the community.

Sincerely,

A handwritten signature in black ink, appearing to be 'Pam', followed by a long horizontal line extending to the right, ending in the date '4/15/2019'.

Pam Archibald

Rebecca Nicole Kennelly, Bar No. 025597
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7247
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

MAR 19 2019

FILED
BY 

Pam Crowder-Archibald, Bar No. 016442
Telephone (602) 618-1888
Email: archibald.pam@aol.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**PAM CROWDER-ARCHIBALD
Bar No. 016442**

Respondent.

PDJ 2018-9122

State Bar File Nos. **17-3763, 17-3764,
18-0031**

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Pam Crowder-Archibald, 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. 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 by email on February 25, 2019. Complainants 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, will be provided to the presiding disciplinary judge.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ERs 3.3, 5.5, 8.4(c), 8.4(d), and Rule 72, Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline:

- A. Respondent shall be suspended from the practice of law in Arizona for a period of two years effective upon entry of a final judgment and order;
- B. Upon reinstatement, Respondent shall be placed on probation for a period of two years, under terms and conditions to be determined at the time of reinstatement; and

C. 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. Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 21, 1995.
2. On May 24, 2017, in PDJ-2017-9002 and State Bar File No. 16-0663, the Presiding Disciplinary Judge (PDJ) entered a Final Judgment and Order suspending Respondent from the practice of law for ninety (90) days "effective thirty (30) days from the date of this final judgment and order."
3. Accordingly, Respondent was suspended from the practice of law effective June 23, 2017.

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.

4. The Final Judgment and Order also states that Respondent “shall immediately comply with the requirements relating to notification of clients and others.”

COUNT ONE (File No. 17-3763/McRary)

5. In November 2017, Liberty University sent a letter to another chaplain program, run by Pastor Jackson, regarding a legal dispute over the program’s reference to Liberty University and use of Liberty University’s logos.

6. On December 6, 2017, while she was suspended from the practice of law, Respondent authored an email and letter to counsel for Liberty University on behalf of Pastor Jackson.

7. Respondent’s email identified her as an attorney. Respondent’s email address was archibaldlawoffices@gmail.com, she signed “Law Offices, Pam Archibald, Esq.” and the confidentiality notice concluded with “Law Offices of Pam Archibald, Attorney at Law 1-800-714-7990.”

8. The letter attached to the email was titled “Response Letter to Liberty University,” and the letterhead read “Archibald & Associates, PLLC, Law Offices.”

9. In the letter, Respondent stated that she was working with Pastor Jackson's chaplain program "with the development of their legal corporate structure, and they now have asked me to review allegations of fraud, trademark infringements, and other allegations made by Liberty University in your letter dated November 9, 2017."

10. Respondent provided a legal analysis in the letter, denied wrongdoing on behalf of Pastor Jackson's chaplain program, and noted that the program had since removed references and logos belonging to Liberty University from their website.

11. Respondent concluded: "I hope that this is a simple matter which can resolve quickly as it may just be a matter of a misunderstanding, and I see no reason for this to escalate."

12. The letter is signed "Sincerely, Pam Archibald, Esq., Attorney at Law."

13. In response to the Bar charge, Respondent said that Pastor Jackson contacted her in November 2017 about a legal issue with another college, and at the time she wrote the letter on Pastor Jackson's behalf "the suspension time had finished and I was planning to file an affidavit of reinstatement."

14. Pastor Jackson paid Respondent \$600.00 for her assistance in resolving his matter.

15. Respondent maintains that at the time she authored the letter she was mistaken about the reinstatement procedures and the expiration of the period of her suspension.

COUNT TWO (File No. 17-3764/Judicial Referral)

16. On November 1, 2017, while Respondent was suspended from the practice of law, Respondent authored a letter to Brad Reinhart, counsel for mother in the case of *In Re the Matter of Ashley Kay Wallace and Kyndl Jahmald Wallace*.

17. The letterhead read: "Law Offices of Pam Archibald, PLLC" and was captioned "Wallace v. Wallace re: Future Representation and Parenting Time."

18. Respondent wrote:

"Dear Mr. Brad Reinhart,

Kyndl Wallace has contacted my office concerning representation on the above referenced case. I am writing this letter to inform you that I anticipate filing my NOA on his behalf in the next few days. In the meantime Mr. Wallace was planning on having parenting time with the minor child this weekend. This is pursuant to the in court agreement on October 24, 2017, with Judge Fox. However Ashley is now refusing to allow Mr. Wallace to have parenting time on November 4th. Please discuss with your client the temporary orders for Kyndl to see his son this weekend. I will be making arrangements to have my NOA filed but in the meantime Mr. Wallace is requesting that Ashley comply with those temporary

orders. I am forwarding you the emails between Ashley and Kyndl. I look forward to speaking with you after I am officially on board with this case, and I am hoping that we can get the parties to settle this case.

Sincerely,
Pamela Archibald, Attorney at Law”

19. Respondent did not inform Mr. Reinhart of her suspension.

20. In late November 2017, Mr. Wallace asked Respondent about the rumors of her suspension. Respondent told Mr. Wallace to ignore the lies. Respondent said she had a medical suspension that she was resolving.

21. Respondent told Mr. Wallace that she could not attend his upcoming status conference on December 1, 2017, but would be ready to appear in the case by the time the case went to trial. Respondent told Mr. Wallace that she just needed a doctor’s note to get reinstated.

22. Mr. Reinhart presented the November 1, 2017, letter to Judge Fox during the status conference on December 1st. Mr. Reinhart informed the Court that he had been corresponding with Respondent about the case and necessary discovery before he learned of Respondent’s suspension.

23. Mr. Reinhart asked Respondent about her suspension, but she did not respond.

24. Judge Fox entered a minute entry on December 1st and wrote:

THE COURT FINDS that there is reason to believe that Pamela Crowder-Archibald has failed to comply with the Rules of Professional Conduct and the Arizona State Bar's disciplinary sanctions by practicing law while on suspension.

IT IS ORDERED endorsing the State Bar of Arizona Disciplinary Counsel, who the Court encourages to obtain and review today's FTR recording (or a transcript) for Respondent's statements regarding his retention of Ms. Crowder-Archibald and Petitioner's counsel's letter from Ms. Crowder-Archibald.

25. In response to the Bar charge, Respondent said that Mr. Wallace began contacting her office in June 2017, and she assisted him by connecting him with a process server.

26. Respondent said that by November 2017 "the period of suspension had finished for me, and all I needed to do was pay my reinstatement fees and file the affidavit of reinstatement with the State Bar, so that I could help Mr. Wallace."

27. Mr. Wallace paid Respondent \$1,000.00 in legal fees.

28. Respondent maintains that at the time she was retained by Mr. Wallace and corresponded with Mr. Reinhart she was mistaken about the reinstatement procedures and the expiration of the period of her suspension.

COUNT THREE (File No. 18-0031/Zarzynski)

29. Respondent represented wife in Maricopa County Superior Court Case No. FC2009-050235.

30. On May 25, 2017, the day after the PDJ entered a final judgment and order suspending Respondent for ninety (90) days effective on June 23, 2017, Respondent filed a Stipulation to Continue the Trial Set for August 9, 2017. In the pleading, Respondent stated that she had “chronic health issues that developed earlier this year” and “would not have a complete recovery until after the summer of 2017.” Respondent requested “that the trial be continued until late October or early November, so that [Respondent] can be released back to the full-time practice of law, and so that the parties have enough time to prepare for trial.”

31. The trial was continued to October 30, 2017.

32. Despite Respondent’s suspension becoming effective on June 23, 2017, Respondent did not withdraw or otherwise timely inform the court or opposing counsel of her suspension.

33. During the period of her suspension, Respondent communicated with opposing counsel, Mr. Zarzynski, about the trial setting and wife’s vocational evaluation.

34. On October 16, 2017, Mr. Zarzynski, filed a Motion to Continue Trial and noted “Counsel for Petitioner/Wife has indicated that she has no objection to a continuance.”

35. The trial was reset to January 31, 2018.

36. On November 16, 2017, Mr. Zarzynski filed another Motion to Continue Trial but did not reference Respondent. The Court granted the motion and noted that there was no response filed by Petitioner/Wife.

37. On November 17, 2017, Mr. Zarzynski sent a letter to Respondent stating that he learned of her suspension but was unsure of when it began or how long it was anticipated to last. Mr. Zarzynski noted that Respondent had not provided him with notice of the suspension.

38. On November 20, 2017, Respondent sent a letter to Mr. Zarzynski on the letterhead "Archibald & Associates, PLLC, Law Offices." Respondent wrote, "I have had some health issues this year, and during the summer months, among other reasons including my health, my bar status was not active, for the 90 days during summer. I had planned to update my status, but I am still having health issues, which has affected my ability to return to full practice."

39. Respondent indicated in the letter that she would forward certain vocational information to her client and would discuss options with her client including the suggestion posed by Mr. Zarzynski that her client voluntarily dismiss the action.

40. Respondent stated in the letter that she would consider withdrawing from the case if she could not update her status in the next thirty (30) days.

41. Respondent did not move to withdraw until February 27, 2018. In her motion, titled Notice of Withdrawal of Attorney of Record for Petitioner/Wife, Respondent identified herself in the caption as “Pam Crowder-Archibald, Esq.,” with an email address of archibaldlawoffices@gmail.com, as “Attorney for Petitioner Karyl Wood.”

42. In the pleading, Respondent wrote, “Notice is hereby given that the undersigned attorney, PAM CROWDER-ARCHIBALD, ESQ., LAW OFFICES OF PAM ARCHIBALD [sic], will no longer represent or be attorney of record for KARYL WOOD, in the above-captioned matter.” The pleading did not mention that Respondent’s law license was suspended. The pleading concluded: “Therefore, the undersigned counsel respectfully requests to withdraw and be removed as counsel of record for representation of Petitioner KARYL WOOD in the above entitled action.” The pleading is signed “Pam Crowder-Archibald, Esq.”

43. Also, on February 27, 2018, Respondent signed her Consent To Discipline in the State Bar File Numbers 17-2313 and 17-2494, PDJ 2017-9120,

and agreed to a suspension of six months and one day effective the date of entry of the Final Judgment And Order, which was March 1, 2018.

44. In response to the Bar charge, Respondent claimed that during the period of her suspension, the Wood case was on the inactive calendar. The case docket does not reflect this.

45. Respondent told the Bar that she was mistaken about her duty to withdraw from cases before the effective date of her 90-day suspension and was mistaken about her requirement to notify opposing counsel and the court of her suspension. Instead, Respondent believed that she could remain on a case if the case was moved to the inactive calendar.

46. Respondent confirmed that during the time of her suspension she forwarded information about an evaluation concerning vocational abilities as requested by Mr. Zarzynski to “comply with this form of discovery.”

47. Respondent told the Bar that she informed Mr. Zarzynski that she had “health issues and *other issues* that affected [her] Bar status, by letter in late November 2017, which was after the suspension time was completed.” (Emphasis in original).

48. Respondent said she was paid \$150.00 in 2018, and the funds were applied to the costs of copying the client file for successor counsel.

49. Respondent emailed the Bar from archibaldlawoffices@gmail.com with the signature line of "Law Offices, Pam Archibald, Esq."

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, for purposes of settlement, conditionally admits that her conduct in Count 1 (File No. 17-3763/McRary) and Count 2 (File No. 17-3764/Judicial Referral) violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 5.5, ER 8.4(c), ER 8.4(d), and Rule 72.

Respondent, for purposes of settlement, conditionally admits that her conduct in Count 3 (File No. 18-0031/Zarzynski) violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 3.3, 5.5, 8.4(c), 8.4(d), and Rule 72.

RESTITUTION

Respondent will pay \$1,000.00 in restitution to Mr. Kyndl Wallace.

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:

- A. Respondent shall be suspended from the practice of law in Arizona for a period of two years effective the date of entry of the final judgment and order; and
- B. Upon reinstatement, Respondent shall be placed on probation for a period of two years, under terms and conditions to be determined at the time of reinstatement.

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 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 7.2* is the appropriate *Standard* given the facts and circumstances of this matter. *Standard 7.2* provides: "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 parties agree that Respondent knowingly engaged in conduct that is a violation of her duty owed as a professional, including by knowingly engaging in the practice law after the June 23, 2017, effective date of her suspension. Specifically, in File No. 17-3763, Respondent authored a letter to opposing counsel in an attempt to resolve a pending fraud matter while she was suspended; in File No. 17-3764, Respondent took a legal fee from a client in anticipation of representation and authored a letter to opposing counsel in a pending family law case while she was suspended; and in File No. 18-0031, Respondent conferred with opposing counsel in a family law case about continuing the trial and exchanging discovery while she was suspended without informing counsel or the Court of her suspension. Respondent's unauthorized practice of law caused potential injury to her clients and the profession, and actual injury to the legal system.

The duty violated

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

The lawyer's mental state

For purposes of this agreement, the parties agree that Respondent knowingly engaged in the unauthorized practice of law, and that her 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 potential harm to Respondent's clients and the profession, and actual harm to 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 history. On July 1, 2008, Respondent was placed on probation for two years in File Nos. 06-0846, 05-1514, 06-1806, and

07-1845 for violating ERs 1.2, 1.3, 1.4, 1.5, 1.15, and Rules 43 and 44, Ariz. R. Sup. Ct. The probation included LOMAP, MAP, TAEPP, and TAP.

On March 19, 2009, in File No. 08-0739, Respondent was placed on probation for a time period contemporaneous with her probation in the above files and for violating ERs 1.5(d)(3) and 1.16. The probation included participation in LOMAP.

On May 24, 2017, in File No. 16-0663, Respondent was suspended for 90 days effective June 23, 2017 and ordered to pay restitution for violating ERs 1.3, 1.4, 1.15(a), 8.1(b), and Rules 43(a) and 54(d).

On March 1, 2018, in File Nos. 17-2313 and 17-2494, Respondent was suspended for 6 months and 1 day effective the date of the order for violating ERs 3.3, 5.5, 8.4(c), and 8.4(d), and Rules 31 and 72.

Standard 9.22(b), dishonest or selfish motive. Respondent engaged in the unauthorized practice of law despite knowing that she was suspended effective June 23, 2017, and failed to timely inform the court, her clients, or opposing counsel of her suspension.

Standard 9.22(c), a pattern of misconduct. Respondent's unauthorized practice of law was not isolated to one case or one client. She engaged in the

unauthorized practice of law in three separate cases, with three separate clients, and over a period of time.

Standard 9.22(i), substantial experience in the practice of law. Respondent has been licensed since 1995.

In mitigation:

Standard 9.32(c), personal or emotional problems. Statement to be provided by Respondent.

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. This agreement was based on the following: Respondent's conduct demonstrates that she engaged in a pattern of practicing law while she was suspended and, therefore, a long-term suspension is appropriate.

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 and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 15th day of March 2019.

STATE BAR OF ARIZONA


Rebecca Nicole Kennelly
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 March, 2019.

Pam Crowder-Archibald
Respondent

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 and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

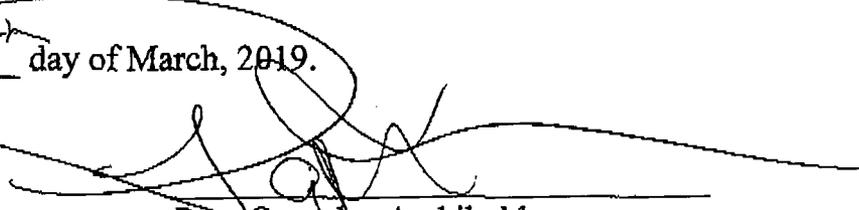
DATED this 16th day of March 2019.

STATE BAR OF ARIZONA

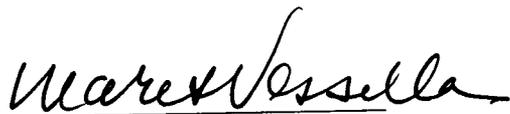

Rebecca Nicole Kennelly
Staff Bar Counsel

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 18th day of March, 2019.


Pam Crowder-Archibald
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 18th day of March, 2019.

Copy of the foregoing emailed
this 18th day of March, 2019, 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 18th day of March, 2019, to:

Pam Crowder-Archibald
Telephone (602) 618-1888
Email: ~~archibald.pam@aol.com~~ ⁸ panarchibald7@qmail.com
Respondent

Copy of the foregoing hand-delivered
this 18th day of March, 2019, to:

Lawyer Regulation Records Manager

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

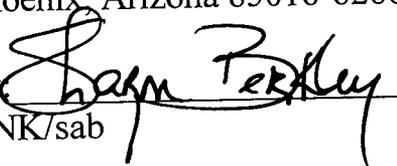
by 
RNK/sab

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
PAM CROWDER-ARCHIBALD, Bar No. 016442, Respondent

File Nos. 17-3763, 17-3764, 18-0031

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

12/18/17	Investigator mileage and parking to pick up CD from court	\$	9.49
----------	--	----	------

Total for staff investigator charges	\$	9.49
--------------------------------------	----	------

<u>TOTAL COSTS AND EXPENSES INCURRED</u>		<u>\$1,209.49</u>
--	--	-------------------

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**PAM CROWDER-ARCHIBALD
Bar No. 016442**

Respondent.

PDJ 2018-9122

**FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 17-3763, 17-3764,
and 18-0031]

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on March 15, 2019, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed Agreement. Accordingly:

IT IS ORDERED that Respondent, **Pam Crowder-Archibald**, is hereby suspended for a period of two (2) years for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective upon entry of this Final Judgment and Order. A period of suspension of more than six (6) months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona.

IT IS FURTHER ORDERED upon reinstatement, Respondent shall be placed on probation for a period of two (2) years with terms and conditions of probation to be determined upon reinstatement.

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.

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 \$1,209.49, within thirty (30) days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent pay Kyndl Wallace restitution in the amount of \$1,000.00, within thirty (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 thirty (30) days from the date of service of this Order.

DATED this _____ day of March, 2019.

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 March, 2019.

Copies of the foregoing emailed
this _____ day of March, 2019, to:

Pam Crowder-Archibald
Telephone (602) 618-1888
Email: pamarchibald7@gmail.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of March, 2019, to:

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

Copy of the foregoing hand-delivered
this _____ day of March, 2019 to:

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

by: _____
RNK/sab