

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**LAURA GILLIS,**  
**Bar No. 020823**

Respondent.

**PDJ 2019-9009**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 18-3089]

**FILED MARCH 26, 2019**

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent filed by the parties on March 7, 2019.

Accordingly:

**IT IS ORDERED** Respondent, **LAURA GILLIS, Bar No. 020823**, is reprimanded for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this order.

**IT IS FURTHER ORDERED** Ms. Gillis shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in these disciplinary proceedings.

**DATED** this 26<sup>th</sup> day of March, 2019.

*William J. O'Neil*  
\_\_\_\_\_  
**William J. O'Neil, Presiding Disciplinary Judge**

Copies of the foregoing mailed/mailed  
this 26th day of March, 2019, to:

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Rhonda Elaine Neff  
Kimerer & Derrick PC  
1313 E. Osborn Road, Suite 100  
Phoenix, AZ 85014-5684  
Email: [rneff@kimerer.com](mailto:rneff@kimerer.com)  
Respondent's Counsel

by: [AMcQueen](#)

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**LAURA GILLIS,**  
**Bar No. 020823**

Respondent.

**PDJ-2019-9009**

**DECISION ACCEPTING  
DISCIPLINE BY CONSENT**

[State Bar Nos. 18-3089]

**FILED MARCH 26, 2019**

Under Rule 57(a), Ariz. R. Sup. Ct.,<sup>1</sup> a direct Agreement for Discipline by Consent (“Agreement”), was filed on March 7, 2019. No Probable Cause Order has issued and no formal complaint has been filed. The State Bar of Arizona is represented by Senior Bar Counsel Craig D. Henley. Ms. Gillis is represented by Rhonda Neff, *Kimerer & Derrick, PC*.

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline...” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved...” If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Ms. Gillis has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the

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<sup>1</sup> Unless otherwise stated all Rule references are to the Ariz. R. Sup. Ct.

proposed form of discipline. Under Rule 53(b)(3), no notice is required as Ms. Gillis self-reported this matter to the State Bar.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Ms. Gillis admits violating Rule 42, ERs 4.1 (false statement of material fact) and ER 8.4(b) (engage in criminal conduct). Upon acceptance of the agreement the parties stipulate to a reprimand and the payment of costs of \$1,200.00 within thirty (30) days from the date of this order.

Ms. Gillis represented a client in a criminal matter. The client became the subject of a Gilbert Police Department investigation for violating an order of protection. The allegation involved the client contacting a real estate agent directly. Client lied to police stating he contacted the real estate agent via a three-way call with Ms. Gillis being on the three-way call. On February 14, 2018, the investigating office contacted Ms. Gillis to verify the client's story. Ms. Gillis falsely stated she was on the call with her Client and the real estate agent. The next day, Ms. Gillis retained counsel and contacted the investing officer. She self-reported her misconduct to the State Bar on December 13, 2018.

On November 30, 2018, Ms. Gillis pled guilty to one count of providing false information to law enforcement, a class 1 misdemeanor. Respondent entered into a diversion program for one year and is required to complete 24 hours of community service. She has paid fines that were imposed.

The parties agree *Standard 5.12, Failure to Maintain Personal Integrity* applies to Ms. Gillis' violation of ER 8.4(b). and provides that suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice. Ms. Gillis' conduct violated her duty to the profession and caused actual harm to the profession.

In aggravation, the parties have stipulated that factors 9.22(b) selfish or dishonest motive and 9.22(k) illegal conduct is present. In mitigation are factors: 9.32(a) (absence of prior disciplinary offenses),9.32(c) (personal or emotional problems),<sup>2</sup> 9.32(d) (timely good faith effort to make restitution or to rectify consequences of misconduct), 9.32(e), (full and free disclosure to disciplinary board or cooperative attitude towards proceedings), 9.32(k) (other penalties or sanctions) and 9.32(l) (remorse) are present. A reprimand is in accordance with the *Standards*.

Now Therefore,

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

**DATED** this 26<sup>th</sup> day of March 2019.

*William J. O'Neil*  
\_\_\_\_\_  
**William J. O'Neil, Presiding Disciplinary Judge**

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<sup>2</sup> A Notice of Mitigation Evidence was filed under seal and a protective order was issued.

COPY of the foregoing e-mailed/mailed  
on this 26<sup>th</sup> day of March 2019, to:

Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

Rhonda Neff  
Kimerer & Derrick, PC  
1313 E. Osborn Road, Suite 100  
Phoenix, AZ 85014-5684  
Email: rneff@kimerer.com  
Respondent's Counsel

by: AMcQueen

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

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

MAR 07 2019

FILED

BY



Rhonda Elaine Neff, Bar No. 029773  
Kimerer & Derrick PC  
1313 E Osborn Road, Suite 100  
Phoenix, AZ 85014-5684  
Telephone 602-279-5900  
Email: rneff@kimerer.com  
Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**LAURA GILLIS  
Bar No. 020823**

Respondent.

PDJ 2019-9009

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

State Bar File No. 18-3089

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Laura Gillis, who is represented in this matter by counsel, Rhonda Elaine Neff Esq, hereby submit their Agreement for Discipline by Consent,

pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order has not been entered in this matter, nor has a formal complaint been filed.

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.

The Respondent voluntarily self-reported this matter to the State Bar, therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ERs 4.1 and ER 8.4(b).

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

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.<sup>1</sup>

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<sup>1</sup> Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the

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

## FACTS

### GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on July, 10, 2001.

### COUNT ONE (File No. 18-3089)

2. Respondent represented a Client in the Maricopa County Superior Court case of *Bouwhuis v. Bouwhuis*, FC2017-093283, when the Client became the subject of a Gilbert Police Department investigation for violating a protective order. The allegation involved the Client contacting a real estate agent directly regarding the sale of certain real property.

3. When asked if he contacted the real estate agent, the Client stated that he contacted the real estate agent with Respondent on the three-way call. This statement was false as Respondent was not involved in the call.

4. On February 14, 2018, the investigating officer contacted Respondent to verify Client's story.

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Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

5. During that call, Respondent falsely stated that she was on the call with her Client and the real estate agent.

6. The next morning, Respondent retained Respondent's counsel and they contacted the investigating officer.

7. Respondent informed the officer that she was not truthful the day before and that she did not participate in the call between the Client and real estate agent as originally claimed. Respondent also informed the officer that she was previously unaware of Client's intention to contact the real estate agent.

8. On February 23, 2018, Respondent withdrew as attorney of record in the case.<sup>2</sup>

9. On August 6, 2018, Respondent was charged with one count of providing false information to law enforcement, a class 1 misdemeanor, in the Gilbert Municipal Court case of *State v. Gillis*, 2018-CT-0011958.

10. On November 30, 2018, Respondent pled guilty to one count of providing false information to law enforcement, a class 1 misdemeanor. The Court

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<sup>2</sup> Client obtained successor counsel and the case continued during ordinary course until final judgment on February 1, 2019. The pleadings, minute entries and other related documents do not mention any of the events surrounding the arrest or prosecution of Respondent or Client.

accepted the guilty plea, but deferred sentencing and entered Respondent into a diversion program. The diversion term is one year and requires Respondent to complete 24 hours of community service and pay fines of fees totaling \$375.50 (which Respondent paid that day).

11. On December 13, 2018, Respondent voluntarily self-reported the incident to the State Bar of Arizona.

### **CONDITIONAL ADMISSIONS**

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that her conduct violated Rule 42, Ariz. R. Sup. Ct., specifically MASTER, ER 4.1 and ER 8.4(b).

### **CONDITIONAL DISMISSALS**

The State Bar has conditionally agreed to dismiss nothing.

### **RESTITUTION**

Restitution is not an issue in this matter.

## SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Reprimand.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

## LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the

misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard 3.0*.

The parties agree that *Standard 5.12* is the appropriate *Standard* given the facts and circumstances of this matter.

*Standard 5.12* states:

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in *Standard 5.11* and that seriously adversely reflects on the lawyer's fitness to practice.

**The duty violated**

As described above, Respondent's conduct violated her duty to the profession.

**The lawyer's mental state**

For purposes of this agreement, the parties agree that Respondent knowingly committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects when she made a false statement of material fact to law enforcement 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 actual harm to the profession.

**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 (b)* - Dishonest motive; and

*Standard 9.22 (k)* - Illegal conduct.

**In mitigation:**

*Standard 9.32 (a)* – Absence of a prior disciplinary record;

*Standard 9.32 (c)* – Personal or emotional problems [as explained in the contemporaneously filed (under seal) Notice of Mitigation Evidence];

*Standard 9.32 (d)* – Timely good faith effort to rectify consequences of misconduct;

*Standard 9.32 (e)* – Full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

*Standard 9.32 (k) – Imposition of other penalties or sanctions; and*

*Standard 9.32 (l) – Remorse.*

### **Discussion**

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction should be mitigated to a Reprimand.

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following:

While Respondent compromised the integrity of the profession and herself, Respondent recognized her ethical failure and immediately took the necessary steps to remediate her misconduct including disclosed it to the investigating Gilbert police officer and voluntarily self-reporting the incident to the State Bar.

As explained in greater detail in the contemporaneously filed (under seal) Notice of Mitigation Evidence, Respondent experienced personal and emotional family problems beginning in late 2017 and continuing through the evening prior to the misconduct.

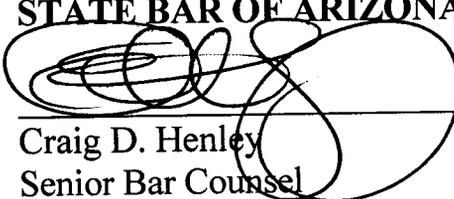
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

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

DATED this 6<sup>th</sup> day of March 2019.

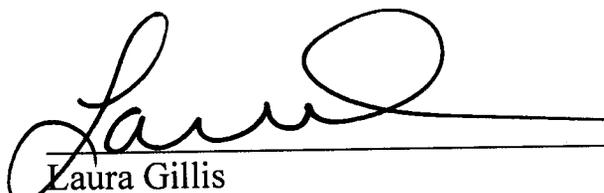
STATE BAR OF ARIZONA



Craig D. Henley  
Senior Bar Counsel

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

**DATED** this 5<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
Laura Gillis  
Respondent

**DATED** this 5<sup>th</sup> day of March, 2019.

Kimerer & Derrick PC

  
\_\_\_\_\_  
Rhonda Elaine Neff  
Respondent's Counsel

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 7<sup>th</sup> day of March, 2019.

Copy of the foregoing emailed  
this 7<sup>th</sup> day of March, 2019, to:

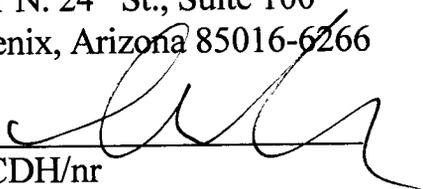
The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 7<sup>th</sup> day of March, 2019, to:

Rhonda Elaine Neff  
Kimerer & Derrick PC  
1313 E. Osborn Road, Suite 100  
Phoenix, AZ 85014-5684  
Email: [rneff@kimerer.com](mailto:rneff@kimerer.com)  
Respondent's Counsel

Copy of the foregoing hand-delivered  
this 7<sup>th</sup> day of March, 2019, to:

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

by:   
CDH/nr

**EXHIBIT A**

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,  
Laura Gillis, Bar No. 020823, Respondent

File No(s). 18-3089

### Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

*General Administrative Expenses  
for above-numbered proceedings*

**\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

### Staff Investigator/Miscellaneous Charges

TOTAL COSTS AND EXPENSES INCURRED

\$ 1,200.00

**EXHIBIT B**

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**LAURA GILLIS  
Bar No. 020823**

Respondent.

**PDJ 2019-**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 18-3089]

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

Accordingly:

**IT IS ORDERED** that Respondent, **Laura Gillis**, is reprimanded for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective as of the date of this order.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ \_\_\_\_\_, within thirty (30) days from the date of this Order.

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

**DATED** this \_\_\_\_\_ day of 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 mailed/mailed  
this \_\_\_\_\_ day of March, 2019, to:

Rhonda Elaine Neff  
Kimerer & Derrick PC  
1313 E. Osborn Road, Suite 100  
Phoenix, AZ 85014-5684  
Email: rneff@kimerer.com  
Respondent's Counsel

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Craig D. Henley  
Senior Bar Counsel  
State Bar of Arizona  
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by: \_\_\_\_\_  
CDH/nr