

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

TODD E. HALE,
Bar No. 015771

Respondent.

PDJ 2018-9107

**FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 18-0511 and 18-1641]

FILED JANUARY 24, 2019

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent filed on December 19, 2018.

Accordingly:

IT IS ORDERED Respondent, **TODD E. HALE, BAR NO. 015771**, is reprimanded with probation for his 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 Respondent shall be placed on probation for a period of two (2) years.

IT IS FURTHER ORDERED Respondent shall participate in the following programs:

1. Law Office Management Assistance Program: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this order. Respondent shall submit to a LOMAP examination of their office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent shall be responsible for any costs associated with LOMAP.
2. LRO Member Assistance Program (MAP): Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this order, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent shall be responsible for any costs associated with participation with compliance.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has

been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED Respondent 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 24th day of January 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this 24th day of January 2019, to:

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

Todd E. Hale
Todd Hale Law, PLLC
290 N. Meyer Ave.
Tucson, AZ 85701-1047
Email: todd@toddhalelaw.com
Respondent

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

TODD E. HALE,
Bar No. 015771

Respondent.

PDJ-2018-9107

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 18-0511, 18-1641]

FILED JANUARY 24, 2019

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed on December 19, 2018. Probable Cause Orders issued on October 31, 2018 and the formal complaint was filed on November 1, 2018. Mr. Hale is self-represented, and the State Bar of Arizona is represented by Senior Bar Counsel Craig D. Henley.

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

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

motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Pursuant to Rule 53(b)(3), the complainant received notice of this Agreement by email on November 21 and 27, 2018 of the opportunity to file a written objection. No objection has been filed.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Mr. Hale admits violating Rule 42, ER 1.2 (scope of representation), ER 1.3 (diligence), ER 1.4 (communication), ER 3.2 (expediting litigation), and ER 8.4(d) (conduct prejudicial to the administration of justice). Upon acceptance of the Agreement the parties stipulate to a reprimand and two (2) years of probation with the State Bar Law Office Management Assistance Program (LOMAP), and Member Assistance Program (MAP), and the payment of costs of \$1,200.00 within thirty (30) days from the date of this order.

In both Counts, Mr. Hale failed to adequately communicate with and diligently represent clients. He also failed to file pleadings and failed to abide by his client's authority.

The parties agree *Standard 4.42 Lack of Diligence, Standard 6.22, Abuse of the Legal Process, and Standard 6.12 False Statements, Fraud, and Misrepresentation* are applicable and provide that suspension is the presumptive sanction. The parties stipulate that Mr. Hale's conduct violated his duty to his clients, the profession, and

the legal system. His misconduct caused actual harm to clients, the profession and the legal system.

The parties further stipulate in aggravation are factors 9.22(c) pattern of misconduct, 9.22(d) multiple offenses, and 9.22(i) substantial experience in the practice of law. In mitigation, the parties agree *Standard* 9.32(a) (absence of disciplinary offenses), (b) absence of selfish or dishonest motive, and (c) (personal or emotional problems)² are present.

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 24th day of January 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on this 24th day of January 2019, to:

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

Todd E. Hale
Todd Hale Law, PLLC
290 N. Meyer Ave.
Tucson, AZ 85701-1047
Email: todd@toddhalelaw.com
Respondent

by: AMcQueen

² Evidence was filed under seal in support of this factor on January 18, 2019.

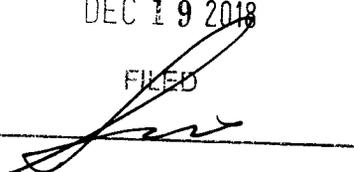
Craig D. Henley, Bar No. 018801
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State Bar of Arizona
4201 N. 24th Street, Suite 100
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Telephone (602) 340-7272
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

DEC 19 2018

FILED

BY



Todd E. Hale, Bar No. 015771
Todd Hale Law PLLC
290 N. Meyer Ave
Tucson, AZ 85701-1047
Telephone 520-629-4433
Email: todd@toddhalelaw.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**TODD E. HALE
Bar No. 015771**

Respondent.

PDJ 2018-9107

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar Nos. 18-0511 and 18-1641]

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Todd E. Hale, 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.

Probable cause orders were entered on October 31, 2018 and a Complaint filed on November 16, 2018.

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 November 21 and 27, 2018. 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, have been or will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ER 1.2, ER 1.3, ER 1.4, ER 3.2 and ER 8.4(d) Ariz. R. Sup. Ct. in both matters.

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

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 licensed to practice law in Arizona on March 1, 1995.

COUNT ONE (File No. 18-0511/Hernandez)

2. In mid-2013, Respondent opened a solo practice in Tucson, Arizona.
3. On or about October 23, 2013, Holly Brown-Sisson met with Respondent regarding representation arising from an accident occurring on March 16, 2012.
4. On October 24, 2013, Brown-Sisson filled out intake paperwork and signed a written representation agreement.

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.

5. On December 31, 2013, Respondent and Arizona attorney Patrick Mause filed a complaint on Brown-Sisson's behalf thereby initiating the Pima County Superior Court case of *Holly Brown-Sisson v. Medimpact*, C20137088 ("lawsuit").

6. On March 13, 2014, Mause filed a Motion to Withdraw with client consent.

7. On March 17, 2014, the Court denied the motion as Respondent was summarily suspended from the practice of law at that time and would be the sole attorney of record in the lawsuit.

8. On March 20, 2014, Respondent filed a Notice of Reinstatement proving his reinstatement to the practice of law.

9. After receiving a court notice of the impending dismissal due to lack of service on April 11, 2014, Respondent effected service upon Medimpact through CT Corp on April 28, 2014 and UnitedHealthcare Insurance through the Arizona Department of Insurance on April 29, 2014.

10. After surviving a motion to dismiss by, among other things, being permitted to amend the complaint, Respondent received a second motion to dismiss

alleging that Brown-Sisson did not have standing in the lawsuit as she filed a bankruptcy action on September 17, 2012.

11. Prior to receiving the second motion to dismiss, Respondent was unaware that Brown-Sisson filed bankruptcy.

12. Respondent filed a response to motion requesting, among other things, authorization to join or substitute the bankruptcy trustee as a party in the lawsuit.

13. On October 27, 2015, the Court ordered that the bankruptcy trustee file the appropriate pleadings indicating her intentions regarding the lawsuit no later than November 16, 2015. The Court further explained that failure to do so would result in a dismissal with prejudice.

14. On November 10, 2015, Respondent e-mailed Brown-Sisson and the bankruptcy trustee regarding the Court's October 27th order asking whether the bankruptcy trustee wanted him to "easily prepare and file the necessary intervention pleading for you, or seek an extension of time."

15. On November 12, 2015, the bankruptcy trustee responded by stating "please take the necessary steps and file the pleadings necessary for me to intervene in the state court action on or before Monday."

16. Respondent responded “I will be preparing and filing on Monday the necessary legal pleading to accomplish [proceeding with the case with the Bankruptcy Trustee].”

17. On November 16, 2015 at 3:21 pm, Respondent attempted to file a Motion for Substitution of the bankruptcy trustee through TurboCourt with courtesy copies of the pleading e-mailed to the bankruptcy trustee and opposing counsel.

18. The Court rejected the pleading ten minutes later as the case number was typed incorrectly.

19. On December 1, 2015, the bankruptcy trustee informed Respondent that the case was dismissed by the Court on November 24, 2015.

20. Despite informing the bankruptcy trustee that he would file a motion for reconsideration or other pleading requesting relief, Respondent failed to take any further action in the lawsuit.

21. In his response to the State Bar, Respondent states “[m]y failure thereafter to actually file such a motion, which would have been a simple matter given the undisputed timely submission of the substitution motion and sending courtesy copies to opposing counsel, as well as my failure to better communicate with Ms. Brown, is inexplicable and difficult for me to meaningfully convey.”

COUNT TWO (File No. 18-1641/State Bar of Arizona-Judicial)

22. On April 26, 2016, Respondent initiated the Pima County Superior Court case of *Vasquez Jubilee LLC dba El Saguarito v. The University of Arizona, et. al.*, C20161955 on behalf of Plaintiff.

23. On August 18, 2016, certain defendants filed motions to dismiss.

24. Thereafter, Respondent and counsel for the defendants mutually agreed to request an extension of the responsive pleading deadline so that the parties could engage in settlement discussions. Respondent and defense counsel continued those discussions after that agree-upon extended deadline and until shortly before November 3, 2016.

25. On or about November 3, 2016, the Court granted the motions to dismiss because no responses had been filed. On that same November 3, 2016 date, Respondent did electronically file an opposition to the motion of one of the defendants, and attempted unsuccessfully to submit a separate opposition to the motion of the second defendant.

26. On May 3, 2017, Respondent filed a Motion for Reconsideration or alternatively, a Motion for Relief from Order on Motions to Dismiss.

27. After briefing by the parties, the Court denied the motion on June 30, 2017.

28. On August 2, 2017, the Court issued a judgment dismissing the case in its entirety finding, among other things, that “[t]he Court’s June 30, 2017 Ruling affirmed its November 3, 2016 Ruling and found that the failure of Plaintiff’s counsel to prosecute Plaintiff’s claims did not amount to excusable neglect required for relief under Ariz. R. Civ. P. 60(b)(1).”

29. On August 30, 2017, Respondent filed a Notice of Appeal.

30. The appellate court notified Respondent that he missed the Opening Brief deadline and set a new deadline of January 8, 2018.

31. On January 8, 2018, Respondent requested a sixty day extension of the Opening Brief due date. The appellate court granted the request.

32. The appellate court notified Respondent that he again missed the Opening Brief deadline and set a new deadline of March 30, 2018.

33. On April 9, 2018, the appellate court dismissed the appeal as Respondent failed to file the Opening Brief.

34. On May 15, 2018, Respondent filed a pleading entitled “Appellant’s Motion to Vacate Dismissal and Revest Jurisdiction in the Superior Court”.

35. Attached to the motion was a letter dated February 11, 2018 from Tucson psychiatrist Bradley R. Johnson, M.D., P.L.L.C.

36. This letter is being filed contemporaneously, but separately and under seal, along with certain other mitigation information.

CONDITIONAL ADMISSIONS

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

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., ER 1.2, ER 1.3, ER 1.4, ER 3.2 and ER 8.4(d) in both matters.

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss nothing in this matter.

RESTITUTION

Restitution is not an issue in either 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 with Two Years of Probation requiring the Respondent to complete the State Bar's Law Office Management Assistance Program (LOMAP) and Member Assistance Program (MAP).

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

LEGAL GROUNDS IN SUPPORT OF SANCTION

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

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

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

The parties agree that the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

ER 1.2: (Client Authority)

Standard 4.42

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

ER 1.3:(Diligence)

Standard 4.42

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

ER 1.4:(Communication)

Standard 4.42

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

ER 3.2:(Expedite Litigation)

Standard 6.22

Suspension is generally appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding, or

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

Standard 6.12

Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly failed to file pleadings or take actions during the representation after promising to do so, which resulted in Respondent's failure to abide by his clients' authority, his failure to act diligently and expedite the litigation, his failure to reasonably communicate with the clients and his engagement in conduct that was prejudicial to the administration of justice. Respondent admits that his conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was actual harm to his clients, the profession and the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(c) pattern of misconduct;
Standard 9.22(d) multiple offenses; and
Standard 9.22(i) substantial experience in the practice of law (23 years).

In mitigation:

Standard 9.32(a) absence of prior disciplinary record;
Standard 9.32(b) absence of a dishonest or selfish motive; and
Standard 9.32(c) personal or emotional problems (see Notice of Filing Mitigation Information, being contemporaneously filed under seal.)

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 not appropriate and the sanction should be mitigated to a Reprimand with Two Years of Probation.

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 the Respondent engaged in knowing behavior by receiving extensions and reminders of deadlines and informing his clients that he intended to file pleadings or take other affirmative steps on their behalf, then failed to do so, Respondent's personal and emotional problems have been identified as the primary stressor causing the misconduct. Respondent has been voluntarily addressing these issues as set forth in the Notice of Filing Mitigation Information, being contemporaneously filed under seal. Based upon the foregoing, a mitigated sanction of Reprimand with Two Years of Probation requiring the Respondent to participate in LOMAP and MAP will satisfy the purposes of lawyer discipline as well as allow Respondent to continue addressing his personal and emotional problems.

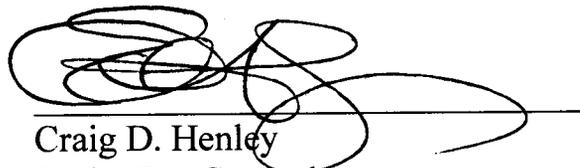
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

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

DATED this 10th day of December 2018.

STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

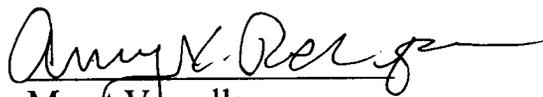
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 10th day of December, 2018.



Todd E. Hale
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 17th day of December, 2018.

Copy of the foregoing emailed
this 17th day of December, 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 17th day of December, 2018, to:

Todd E. Hale
Todd Hale Law PLLC
290 N. Meyer Ave
Tucson, AZ 85701-1047
Email: todd@toddhalelaw.com
Respondent

Copy of the foregoing hand-delivered
this 17th day of December, 2018, to:

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

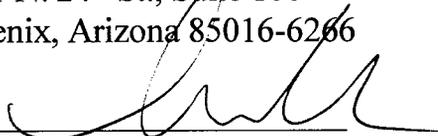
by: 
CDH/nr

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Todd E. Hale, Bar No. 015771, Respondent

File No. 18-0511 & 18-1641

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 for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$1,200.00

EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

PDJ 2018-9107

**TODD E. HALE
Bar No. 015771**

**FINAL JUDGMENT AND
ORDER**

Respondent.

[State Bar No. 18-0511 and 18-1641]

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

Accordingly:

IT IS ORDERED that Respondent, **Todd E. Hale**, is Reprimanded with Probation for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order or _____.

IT IS FURTHER ORDERED that Respondent shall be placed on probation for a period of two (2) years.

IT IS FURTHER ORDERED Respondent shall participate in the following programs:

1. LOMAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order. Respondent shall submit to a LOMAP examination of their office procedures. Respondent shall sign terms and conditions of participation, including reporting requirements, which shall be incorporated herein. Respondent will be responsible for any costs associated with LOMAP.
2. LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days from the date of service of this Order, to schedule an assessment. The Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation with compliance.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within 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 December, 2018

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of December, 2018.

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

Todd E. Hale
Todd Hale Law PLLC
290 N. Meyer Ave
Tucson, AZ 85701-1047
Email: todd@toddhalelaw.com
Respondent

Craig D. Henley
Senior Bar Counsel
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Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this ____ day of December, 2018 to:

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

by: _____
CDH/nr