

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

CARI MCCONEGHY NOLAN,
Bar No. 020572

Respondent.

PDJ 2018-9134

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 18-0394]

FILED JANUARY 28, 2019

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent filed by the parties on December 26, 2018.

Accordingly:

IT IS ORDERED Respondent, **CARI MCCONEGHY NOLAN, Bar No. 020572**, is reprimanded and placed on probation for two (2 years) with the Member Assistance Program (“MAP”) 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. Nolan shall participate in the following programs:

1. LRO MAP: Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of this order. The

Compliance Monitor shall develop terms and conditions of participation and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation in MAP.

IT IS FURTHER ORDERED Ms. Nolan 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 28th day of January 2019.

William J. O'Neil
William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 28th day of January 2019, to:

Nancy A. Greenlee
821 E. Fern Drive North
Phoenix, Arizona 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

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

by: AMcQueen

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

CARI MCCONEGHY NOLAN,
Bar No. 020572

Respondent.

PDJ-2018-9134

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 18-0394]

FILED JANUARY 28, 2019

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed on December 26, 2018. A Probable Cause Order issued on September 28, 2018, however, no formal complaint has been filed. Ms. Nolan is represented by Nancy A. Greenlee and the State Bar of Arizona is represented by Bar Counsel Kelly J. Flood.

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. Nolan 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 letter dated December 11, 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. Ms. Nolan admits violating Rule 42, ER 1.6 (confidentiality of information), 1.16 (declining or terminating representation), 3.1 (meritorious claims and contentions), 4.4 (respect for rights of others), 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's Member Assistance Program (MAP), and the payment of costs of \$1,200.00 within thirty (30) days from the date of this order.

In 2013, Ms. Nolan represented a client in a criminal matter. Thereafter, a Post Conviction Review (PCR) was filed alleging ineffective assistance of counsel. Successor counsel requested a copy of the entire file and Ms. Nolan initially withheld portions of the file that she believed were confidential. In an effort to defend herself against the ineffective assistance of counsel allegation, Ms. Nolan filed confidential client materials (file notes) with the court, prosecutors, and defense counsel. She mistakenly believed that the attorney-client privilege was waived by the PCR claims.

The parties agree *Standard 4.2, Failure to Preserve the Client's Confidences* and *Standard 6.2, Abuse of the Legal Process* are applicable. The parties stipulate that Ms. Nolan's knowing conduct violated her duty to her client and the legal system, which caused actual harm to the legal system and potential harm to her client.

The parties stipulate the sole aggravation is factor 9.22(i) substantial experience in the practice of law. In mitigation, the parties agree *Standard 9.32(a)* (absence of disciplinary offenses), 9.32(c) (personal or emotional problems),² 9.32(e) full and free disclosure to State Bar and cooperative attitude towards proceedings, and 9.32(g) character or reputation³ are present. The parties further stipulate that based on the mitigating factors, a reduction in the presumptive sanction of suspension to reprimand and probation is appropriate.

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 28th day of January 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

² Evidence in support of this factor is sealed. Agreement, Sealed Exhibit C.

³ Letters were provided from colleagues. Agreement, Exhibit D.

COPY of the foregoing e-mailed/mailed
on this 28th day of January 2019, to:

Nancy A. Greenlee
821 E. Fern Dr. North
Phoenix, AZ 85014-3248
Email: nancy@nancygreenlee.com
Respondent

Kelly J. Flood
Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by: AMcQueen

2018, but no formal complaint has been filed in this matter. 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 complainants in this matter received notice by letter dated December 11, 2018, as required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that her conduct, as set forth below, violated Rule 42, ER 1.6, ER 1.16, ER 3.1, ER 4.4, and ER 8.4(d), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with Probation (2 years with MAP). 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.

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.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on October, 23, 2000.

COUNT ONE (File no. 18-0394/ Judicial Referral)

2. At all times relevant, Respondent was a named partner in the firm The Nolan Law Firm, PLLC. Respondent's firm practices primarily in criminal defense. Respondent lists her practice areas as criminal defense and appellate litigation. Respondent was previously employed by the Arizona Attorney General's Office, as Unit Chief in the Criminal Appeals Section.

3. Respondent's firm was retained on January 22, 2013, as criminal defense counsel for Derrick Coleman. Coleman was charged with and ultimately convicted at trial of conspiracy to commit possession of marijuana for sale and money laundering, both class 2 felonies. An associate at Respondent's firm, Jeremy Phillips, handled Coleman's defense at trial.

4. Coleman filed an unsuccessful direct appeal, and his conviction was affirmed by the Court of Appeals in a memorandum decision. Coleman then had

two different attorneys perform Rule 32 evaluations, but neither could find a colorable issue.

5. In early March of 2017, Coleman hired another attorney, Alane Ortega, who filed a Rule 32 Petition, claiming ineffective assistance of counsel, alleging primarily a failure to communicate a plea, and failure to notify the client of a status conference.

6. Ortega requested Coleman's "complete file" from Respondent's firm more than once. In response to the request, Respondent and her firm repeatedly asserted that they had provided the file to successor counsel and to Ortega.

7. However, Respondent's firm had not provided Coleman's "complete" file because, consistent with Respondent and her firm's practice at the time, they had withheld what they refer to as the Calendar of Events ("COE"), a hand-written chronology of events that include attorney notes to the file, notes regarding communications with the client, and billing information. If this matter were to proceed to a contested hearing, Respondent would testify that she believed such entries were not part of the file that would be provided to the client or opposing counsel because she considered them internal practice memorandum, and because they also might prejudice subsequent counsel's views of the client.

8. On March 29, 2018, because Ortega was not able to obtain all relevant file materials from Nolan to refute the ineffective assistance claims, she requested a 60-day continuance of the time to file the PCR Petition.

9. On July 25, 2017, Ortega filed a PCR Petition for Coleman that addressed, inter alia, the fact that Coleman had never received a complete copy of his file. On September 26, 2017, the State conceded the existence of a colorable claim, and the court scheduled an evidentiary hearing on the petition for December 8, 2017. During this time period, none of this information, including Ortega's claims that she did not have the entire file, specifically notes or billing information, was provided to Respondent or her firm.

10. On November 9, 2017, Ortega issued a subpoena directed to Respondent's firm that requested Coleman's complete file, and the subpoena specified that this included all notes, billing statements, and email correspondence related to work on the file. The subpoena was served on Respondent's firm on November 16, 2017. The subpoena specified that the information responsive to the subpoena needed to be provided by a date certain, and Respondent produced the requested documents prior to the date on the subpoena by filing a copy of the notes

with the trial court, and emailing a copy with the filing, to prosecutors, and to Ortega).

11. On December 4, 2017, Respondent filed several documents with the trial court in Coleman's matter:

- Limited Notice of Appearance
- Motion to Strike "Concession of Colorable Claim"
- Motion to Vacate Evidentiary Hearing
- Objection to Prosecutorial Misconduct and Motion to Quash Subpoena

12. In the Objection to Prosecutorial Misconduct, Respondent accused the State of "failing to defend a PCR filed...without ever consulting with anyone at [Respondent's firm]."

13. Respondent's Motion to Quash claimed that Respondent's firm had provided all successor counsel with a copy of Coleman's file and that the subpoena requested a file that Ortega already possessed.

14. On December 6, 2017, Respondent emailed Ortega and the prosecutor, Daniel Strange. Respondent noted that she did not and would not have produced the "notes" because "[t]he notes are problematic for Mr. Coleman and it is unethical to provide even the next defense attorney notes that are unfavorable or

prejudicial to a prior client.” Respondent concluded by suggesting her firm should be afforded some type of relief, including attorneys’ fees.

15. On December 6, 2017, Respondent filed a “Notice of Filing Notes” with the court that attached to it **all** of the attorney notes from the underlying representation of Coleman. Respondent also emailed the filing with the attorney notes directly to several prosecutors and to Ortega.

16. At the evidentiary hearing held on December 7, 2017, prior to conducting the merits hearing on Coleman’s PCR Petition, Judge Mullins addressed Respondent’s various filings, struck Respondent’s filings from the record, and sealed the “Notice of Filing Notes.”

17. In response to the bar charge, Respondent stated that she filed the motions with the trial court in good faith in order to provide information to the court that the State had not. She stated, “Thus, to be clear, my position was then and remains now that the State acted unreasonably and unprofessionally in conceding a PCR hearing was needed on ineffective assistance without ever trying to contact my firm before filing the concession... Where [the State] had clearly failed to defend my firm against a PCR attack, I had a good faith basis to

proceed with my objection to his conduct and to attempt to defend my firm on my own.”

18. Respondent reiterated numerous times that she did not violate any rule of professional responsibility because she was “defending [her] firm from an attack.”

19. Respondent also claimed that she was justified in publicly filing all of her firm’s attorney notes for Coleman’s case, as well as the three briefs alleging prosecutorial misconduct, because her firm had a right and a duty to defend itself as a third party, and because by virtue of filing the PCR claiming ineffective assistance of counsel, the client had waived the attorney-client privilege.

20. The court ultimately concluded that there had been ineffective assistance of counsel and Coleman’s conviction was overturned.

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, ER 1.6, ER 1.16, ER 3.1, ER 4.4, and ER 8.4(d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss allegations regarding violations of Rule 42, Ariz. R. Sup. Ct, ERs 3.4 and 1.7.

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 with two years of Member Assistance Program (“MAP”) Probation. Respondent does not need to undergo a MAP assessment because she is currently being appropriately treated by her medical doctor, and also going to counseling, thus, her probation will be limited to monitoring and reporting her compliance with the directives of her doctor and counselor.

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 *Standards 4.2 and 6.2* are the appropriate *Standards* given the facts and circumstances of this matter. *Standard 4.22* provides that suspension is warranted when a lawyer knowingly reveals information relating to the representation of a client not otherwise lawfully permitted to be disclosed, and the disclosure causes injury or potential injury to a client.

Standard 4.23 provides that reprimand is appropriate when a lawyer negligently reveals information relating to representation of a client not otherwise lawfully permitted to be disclosure and the disclosure causes injury or potential injury to a client.

Regarding the ER 3.1 violation, *Standard 6.22* provides that suspension is 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. *Standard 6.23* provides that reprimand is appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding. While Respondent knowingly filed

confidential client materials with the court, prosecutors, and defense counsel, she did so once the PCR was filed alleging ineffective assistance and the state conceded there was a colorable claim, because she believed, albeit incorrectly, the attorney-client privilege had been waived at that point. Because the state had conceded there was a colorable claim without contacting her or her firm about the representation, Respondent reasoned that it was important for both the prosecutor and the court to have the information that refuted the claims of ineffective assistance of counsel.

The duty violated

As described above, Respondent's conduct violated her duties to her client and the legal system.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly withheld portions of her client file from successor counsel due to a mistaken belief that the information was confidential. She knowingly disseminated the file notes to the court and prosecutor also based upon a mistaken belief that the attorney-client privilege was waived by the PCR claims. Respondent filed motions with the court

that lacked a basis in fact or law and knowingly failed to adequately research their validity. 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 legal system and only potential harm to the client (whose PCR was actually successful).

Aggravating and mitigating circumstances

The presumptive sanction in this matter is between a suspension and a reprimand and the appropriate sanction hinges on Respondent's mental state, which although it was knowing, was due to mistaken beliefs held by Respondent who failed to undertake sufficient research which would have revealed her mistaken assumptions. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard: 9.22(i) substantial experience in the practice of law.

In mitigation:

Standard 9.32(a) absence of a prior disciplinary record;

Standard 9.32(c) personal and emotional problems. As detailed in the sealed letter attached as Exhibit C from Respondent's doctor, Respondent suffered from a number of medical difficulties at the time of these incidents for which she is now receiving treatment.

Standard 9.32(e) full and free disclosure to Bar and cooperative attitude toward proceedings;

Standard 9.32(g) character or reputation. Attached as Exhibit D are letters from Respondent's colleagues.

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 because of Respondent's substantial medical conditions which are described in the attached, sealed documents. At the time of these events, Respondent's as yet undiagnosed medical conditions contributed to her feelings that the proceedings were an "unfair attack" on her and her firm for which she was justified in mounting a significant defense. Respondent has now been provided with law review articles, ethics opinions and commentary about the PCR

proceedings and trial counsel's role in such and clearly understands how her mistaken assumptions contributed to the ethical violations.

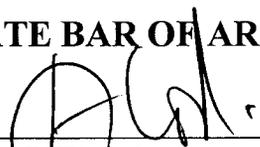
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

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 (two years with MAP) and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

DATED this 20th day of December 2018.

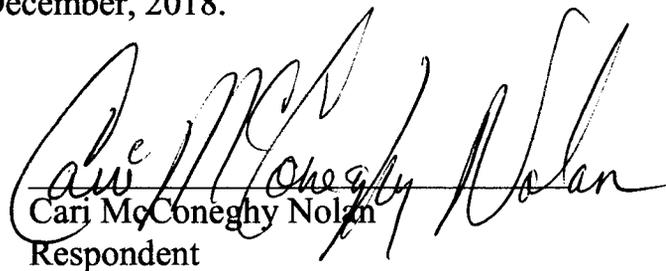
STATE BAR OF ARIZONA



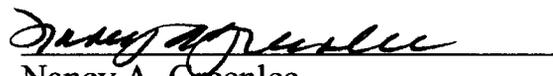
Kelly J. Flood
Staff Bar Counsel

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.

DATED this 21st day of December, 2018.


Cari McConeghy Nolan
Respondent

DATED this 21st day of December, 2018.


Nancy A. Greenlee
Counsel for Respondent

Approved as to form and content

Maret Vessella
Chief 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.

DATED this _____ day of December, 2018.

Cari McConeghy Nolan
Respondent

DATED this _____ day of December, 2018.

Nancy A. Greenlee
Counsel for 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 26th day of December, 2018.

Copy of the foregoing emailed
this 26th 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 26th day of December, 2018, to:

Nancy A. Greenlee
821 E. Fern Drive North
Phoenix, Arizona 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

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

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

by: Maguina Gooder
KJF/mg

FILED

SEP 28 2018

BY *H. Lebar*

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

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

**CARI MCCONEGHY NOLAN
Bar No. 020572**

Respondent.

No. 18-0394

PROBABLE CAUSE ORDER

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

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-0394.

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

Parties may not file motions for reconsideration of this Order.

DATED this 28 day of September 2018.

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

¹ Committee member JoJene Mills did not participate in this matter.

Original filed this 28th day
of September, 2018 with:

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

Copy mailed this 1st day
of ~~September~~, 2018, to:
October

Nancy A. Greenlee
821 E. Fern Dive North
Phoenix, Arizona 85014
Email: nancy@nancygreenlee.com
Respondent's Counsel

Copy emailed this 1st day
of ~~September~~, 2018, to:
October

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by: Margueta Garcia
KJF/mg

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Cari McConeghy Nolan, Bar No. 020572, Respondent

File No. 18-0394

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,**

**CARI MCCONEGHY NOLAN
Bar No. 020572**

Respondent.

PDJ

**FINAL JUDGMENT AND
ORDER**

[State Bar No. 18-0394]

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, **Cari McConeghy Nolan**, is Reprimanded and placed on probation for 2 years with the Member Assistance Program ("MAP") for her conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED Cari McConeghy Nolan shall participate in the following programs:

1. 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. The

Compliance Monitor shall develop terms and conditions of participation and the terms, including reporting requirements, shall be incorporated herein. Respondent will be responsible for any costs associated with participation in MAP.

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 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/emailed
this _____ day of December, 2018, to:

Nancy A. Greenlee
821 E. Fern Drive North
Phoenix, Arizona 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

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

Kelly J. Flood
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 December, 2018 to:

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

by: _____
KJF/mg

SEALED

EXHIBIT C

EXHIBIT D

VICKI AVIS RICCARDO LOPEZ

2529 E. PARADISE DR.

PHOENIX, AZ 85028

(602) 510-0870

December 4, 2018

Re: Cari McConeghy Nolan
State Bar No. 020572

To Whom It May Concern:

I have known Cari McConeghy Nolan for over 10 years. We met when we were both working as associate attorneys for a Tempe law firm.

Professionally, Cari is an extremely well-respected criminal defense attorney in the legal community. She primarily practices in the appellate and post-conviction areas. She is one of the most talented legal minds I have ever had the privilege of knowing. She has encyclopedic knowledge of case law that she is able to discuss intelligently, without having to review the opinions. Furthermore, any attorney that has an extensive motions and appellate practice must be able to see the issues and bring an element of creativity to a written argument. Cari excels at this, as is evidenced by her success in the appellate arena.

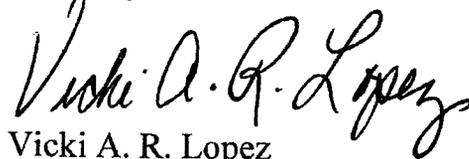
Personally, Cari is a kind, caring and compassionate person. She brings these traits to her practice and also to her life outside the law. In addition to being a full time attorney, she is a full time mother to 7 children, ages 1 ½, 6, 13, 15, 19, 20, and 22. It takes an incredible person to balance and manage a law practice, in which she has a huge concern and compassion for her clients, and also successfully raise a family from toddlers to college students.

As an attorney, I can honestly say that the list of people I would allow to represent me if I were in trouble is extremely short, and Cari McConeghy Nolan is

at the top of that list. She is an excellent attorney and a wonderful human being and I am proud to call her my friend.

If you need any further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Vicki A. R. Lopez". The signature is written in black ink and is positioned above the printed name.

Vicki A. R. Lopez

THE NOLAN LAW FIRM

A PROFESSIONAL LIMITED LIABILITY CORPORATION

TODD E. NOLAN* | CARI MCCONEGHY NOLAN | VICKI A.R. LOPEZ* |

December 5, 2019

Ms. Nancy Greenlee
821 East Fern Drive North
Phoenix, Arizona 85014

Dear Mrs. Greenlee:

I am writing in support of and to endorse Cari Nolan, both personally and professionally, as the most gifted, wonderful person and attorney that I have ever known!

First and foremost, I offer a deep understanding of Cari. She is someone who treats people with empathy, compassion, generosity, and love, and by her example, inspires others to do the same. She is honest and hard-working. Cari is an amazing mother to our seven children and a perfect wife, who is devoted to making the lives of her children better each day. She is a fiercely loyal friend and a passionate advocate and the sort of person that makes others feel warm and hopeful when they are with her. In short, Cari is the best of us all.

Second, as a result of traumatic, life changing events, Cari struggles with depression and anxiety. About five and one-half years ago, Cari's Dad, Michael McConeghy, died unexpectedly. It is difficult to capture in words the depth of the grief and loss that his death has caused Cari. The passage of time has not lessened her pain whatsoever.

In the wake of the loss of Cari's Dad, her mother, Diane McConeghy, was diagnosed with metastatic breast cancer. Cari has painstakingly cared for her mother, including, among other things, having spent about ninety days in the hospital managing her mother's care, having repeatedly taken her to doctor's appointments and constantly providing her emotional support.

Additionally, during this same period, Cari endured three miscarriages. To say that each of the miscarriages were shattering experiences does not state it strongly enough. Thereafter, on March 11, 2017, Cari gave birth to our youngest son, Jackson Richard Thomas Nolan. Following his birth, Cari has also struggled with post-partum depression.

* CERTIFIED BY THE STATE BAR OF ARIZONA AS A CRIMINAL LAW SPECIALIST

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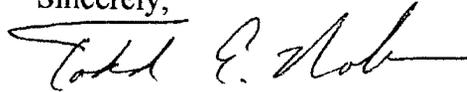
Although the foregoing traumatic experiences are not an exhaustive list of challenges that Cari has faced throughout the last several years, they are, however, intended to provide a glimpse into what this wonderful woman has survived.

Finally, as an attorney, Cari is amazing. She is the most talented, gifted attorney that I have ever known. I have had the privilege to watch her argue flawlessly before the United States Court of Appeals for the Ninth Circuit and the Arizona Court of Appeals, among others. I have witnessed her review voluminous trial transcripts often replete with complex factual and legal issues and write brilliant over-sized appellate briefs in a single day. Through her work, I have seen her transform clients from a place of despair to one of peace and hope.

In my opinion, the legal community and the world in general are far more hopeful places, far more enriched, and truly better off to have Cari involved.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd E. Nolan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd E. Nolan



LAW OFFICE OF
Rachelle S. Ferraro
SCIENTIFIC CRIMINAL LAW SPECIALIST

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December 7, 2018

Rachelle S. Ferraro
Law Office of Rachelle S. Ferraro
2198 E. Camelback Rd., Ste. 310
Phoenix, AZ 85016

RE: Character reference for Cari Nolan

Dear Nancy Greenlee,

My name is Rachelle S. Ferraro. I am an attorney and have been practicing law since 1998 in the state of Arizona. I am currently a solo practitioner and have had my own firm since 2008. I practice exclusively criminal defense and have been certified by the State Bar of Arizona Board of Legal Specialization as a criminal law specialist since 2006. I first met Cari Nolan a little over 10 years ago when we were both associate attorneys working for the same criminal defense law firm. Cari was initially hired by that particular firm to focus on appeals and motion work. She had come from the Arizona Attorney General's Office where she had handled appeals for the State of Arizona.

When we were associates working together, it became almost immediately apparent to me that Cari was a highly skilled, diligent and accomplished appellate attorney. I would regularly seek out her opinion and her thoughts regarding legal issues on cases I was handling. Even after leaving that firm to start my own law firm, I have continued to reach out to Cari periodically to discuss legal and ethical issues with her because I value her input, her experience and her advice.

I have without reservation referred co-defendants of current clients and even people with whom I have had a conflict to Cari because I think she is an excellent attorney and will do all she can for her clients. Having represented several codefendants of her clients over the years, I still have the opportunity to observe Cari in court and even to work closely with her on issues. My admiration of her knowledge and legal ability only continues to grow.

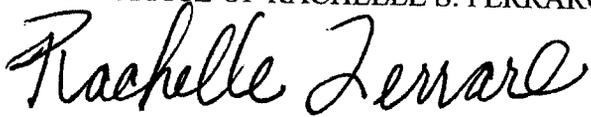
In addition to having the utmost respect for her as a colleague, I have had the pleasure to become very good friends with Cari over the years. She and I were pregnant at the same time and have daughters about one month apart. We experienced many of the trials and tribulations of the pregnancy and of the infancy and toddler years of her youngest daughter/my oldest daughter together. She was a great source of emotional support, comfort and sanity for me during those years. To this day, we celebrate children's birthday parties and milestone events in each other's lives together. I have turned to her and leaned on her for advice on personal issues as well as professional ones.

In sum, I consider myself extremely fortunate to have gotten to know and to have become friends with Cari Nolan. She is an invaluable resource to me professionally, but even more so than that, she is a selfless person with a great heart. She truly cares about other people and about doing what is right.

Please do not hesitate to contact me if there is any other information I can provide or anything else I can do to assist in this matter. Thank you.

Sincerely,

LAW OFFICE OF RACHELLE S. FERRARO

A handwritten signature in cursive script that reads "Rachelle Ferraro". The signature is written in black ink and is positioned below the typed name.

Rachelle S. Ferraro
Attorney at Law