

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

GUY P. ROLL,
Bar No. 015987

Respondent.

PDJ-2018-9094

**FINAL JUDGMENT
AND ORDER**

[State Bar No. 17-2429]

FILED FEBRUARY 4, 2019

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent filed by the parties on January 29, 2019.

Accordingly:

IT IS ORDERED Respondent **GUY P. ROLL, Bar No. 015987**, is reprimanded for violations of ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.16(a), ER 3.4(d) and ER 8.4(d), and placing him on two (2) years of probation, as outlined in the consent documents, effective the date of this order.

IT IS FURTHER ORDERED Mr. Roll shall participate in the following programs:

1. State Bar's Law Office Management Assistance Program (LOMAP): 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 his 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. Continuing Legal Education (CLE): In addition to annual MCLE requirements, Respondent shall, within ninety (90) days from the date of this order, complete six (6) hours of CLE that addresses disclosure or discovery in civil cases. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of his handwritten notes taken during the programs/courses. Respondent shall contact the Compliance Monitor at (602) 340-7258 to make arrangements to submit this evidence. Respondent shall be responsible for the cost of the CLE programs/courses.

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 impose 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 Mr. Roll 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 4th day of February 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 4th day of February, 2019, to:

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: guy.roll@roll-law.com
Respondent

James D. Lee
Senior Bar Counsel
State Bar of Arizona
4201 North 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,

GUY P. ROLL,
Bar No. 015987

Respondent.

PDJ-2018-9094

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 17-2429]

FILED FEBRUARY 4, 2019

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed on January 29, 2019. A Probable Cause Order issued on October 31, 2018 and the formal complaint was filed on November 2, 2018. Mr. Roll is self-represented, and the State Bar of Arizona is represented by Senior Bar Counsel James D. Lee.

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. Roll 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 dated January 25, 2019 regarding 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. Based on the investigation undertaken by the State Bar following filing the complaint, it concluded it could not prove Mr. Roll acted knowingly. It therefore conditionally agrees to dismiss the complaint allegations of misconduct based on ERs 3.3(a), 3.4(c), 4.1(a), 8.4(c) and Rule 54(c).

Mr. Roll admits violating ERs 1.2(a) (scope of representation), 1.3 (diligence), 1.4(a), 1.4(b) (communication), 1.16(a) (terminating client representation), 3.4(d) (fairness to opposing party and counsel), and 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 Law Office Management Assistance Program (LOMAP), six (6) additional hours of continuing legal education in discovery or disclosure in civil matters, and the payment of costs of \$1,200.00 within thirty (30) days from this order.

The misconduct is briefly summarized. Mr. Roll represented a client in a civil matter. After accepting representation, Mr. Roll failed to adequately communicate and diligently represent the client. He failed to comply with court rules by not responding

to motions and discovery requests and inaccurately informed the court that he had complied with the defendant's discovery requests.

The parties agree *Standard 4.43, Lack of Diligence* applies to Mr. Roll's violation of ERs 1.2, 1.3 and 1.4. It provides that reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes injury or potential injury to a client.

Standard 6.23, Abuse of the Legal Process applies to Mr. Roll's violation of ER 3.4(d). It provides that reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule and causes injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

The parties stipulate that Mr. Roll's negligent conduct violated his duty to his client, the legal system and the profession, and the legal profession, which caused actual and potential harm to the client and the legal system. The parties agree that aggravating factors *Standard 9.22(a)* prior disciplinary offenses, 9.22(d) multiple offenses, and 9.22(i) substantial experience in the practice of law are present. In mitigation, they agree that *Standards 9.32 (b)* absence of a dishonest or selfish motive, 9.32(e) full and free disclosure to bar counsel and cooperative attitude towards proceedings, 9.32(g) character or reputation,² 9.32(j) delay in disciplinary proceedings,

² Letters were provided in support of this factor. See Agreement, Exhibit B.

and 9.32(m) remoteness of prior offenses are present. The parties agree that reprimand and probation are the appropriate sanctions.

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 4th day of February 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
February 4, 2019, to:

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, AZ 85034
Email: guy.roll@roll-law.com
Respondent

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

by: AMcQueen

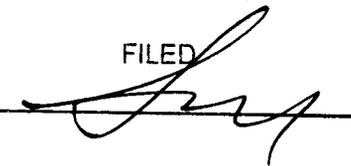
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

JAN 29 2019

FILED

BY



Guy P. Roll, Bar No. 015987
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Telephone: (480) 314-5505
Email: guy.roll@roll-law.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

In the Matter of a Member of
the State Bar of Arizona,

GUY P. ROLL,
Bar No. 015987,

Respondent.

PDJ-2018-9094

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar File No. 17-2429]

The State Bar of Arizona, through undersigned bar counsel, and Respondent, Guy P. Roll, 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.

A probable cause order was filed on October 31, 2018, and a formal complaint was filed with the Disciplinary Clerk on November 2, 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 admissions 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 complainant by email on January 25, 2019 (mail previously sent to the complainant by the State Bar was returned as undeliverable, and the complainant previously notified bar counsel that he maintains an email account, which he regularly checks). Complainant has been notified of the opportunity to file a written objection to the agreement with the State Bar within five business days of bar counsel's notice. Copies of Complainants' objections, if any, will be provided to the Presiding Disciplinary Judge.

Respondent conditionally admits that his conduct, as set forth below, violated ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.16(a), ER 3.4(d) and ER 8.4(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand with two years of probation (Law Office Management Assistance Program and six hours of continuing legal education in addition to the 15 hours of Mandatory Continuing Legal Education). 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.

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona, having been first admitted to practice in Arizona on October 22, 1994.

COUNT ONE (File No. 17-2429/McDuffie)

2. Yahshua McDuffie injured his ear when he was pushed into, or fell against, a stairway handrail at an apartment complex during an altercation with a neighbor. McDuffie hired Respondent to represent him regarding the injuries he sustained in that altercation.

3. On April 9, 2015, Respondent filed a complaint on McDuffie's behalf in Maricopa County Superior Court (*Yahshua Luther McDuffie v. Brentwood-Phoenix, LP, Dick James & Associates, Inc., and Brentwood/Petree Management,*

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.

Inc., No. CV2015-092188).

4. On August 31, 2015, the defendants jointly filed an answer to the complaint, denying any liability.

5. Respondent did not timely provide the defendants with an initial disclosure statement.

6. On or about October 5, 2015, the defendants served Respondent with a request for production of documents, uniform interrogatories, non-uniform interrogatories, and a request for admissions. Respondent did not timely submit responses to those discovery requests.

7. On December 7, 2015, the defendants filed a *Motion for Partial Summary Judgment*, which was based on the lack of a response to their request for admissions.

8. On January 14, 2016, the defendants filed a *Motion for Summary Disposition of Defendants' Motion for Partial Summary Judgment* (“*Motion for Summary Disposition I*”). Respondent did not file a response.

9. On January 20, 2016, the court issued a minute entry order granting the defendants' *Motion for Partial Summary Judgment* (that minute entry was filed on January 22, 2016).

10. On January 27, 2016, the defendants filed a *Notice of Non-Parties at Fault*, alleging that Calloway Harvey, IV, Micah Silva or other unidentified

individuals assaulted McDuffie, which caused or contributed to McDuffie's injury and damages.

11. On February 4, 2016, the court signed a formal order granting the defendants' *Motion for Partial Summary Judgment* (the order was filed on February 5, 2016). McDuffie's claims regarding the following were found in the defendants' favor: permanent physical injury and impairment and physical disability, psychological and emotional injuries, further medical care and expenses, lost wages and loss of earning capacity, and punitive damages. The court also ordered, as a result the lack of a response to the defendants' request for admissions, that McDuffie admitted that at the time of the incident he was under the influence of alcohol and THC, had no property in Arizona out of which costs of the lawsuit could be collected, and Calloway Harvey and/or other non-parties were solely or partially at fault for the "accident." The defendants had some evidence that supported those findings.

12. On May 31, 2016, the defendants' filed a *Motion to Compel Discovery* based on Respondent's lack of communication with them, the absence of an initial disclosure statement, and the lack of responses to their request for production of documents, uniform interrogatories, non-uniform interrogatories, and request for admissions.

13. On June 3, 2016, defendant Brentwood/Petree Management, Inc., filed a *Motion for Partial Summary Judgment*. Respondent did not file a response.

14. On July 8, 2016, the defendants filed a *Motion for Summary Judgment* based on the lack of evidence that any of the defendants were on notice of an unsafe condition at the apartment complex. Respondent did not file a response.

15. On July 11, 2016, the defendants filed a *Motion for Summary Disposition of Defendants' Motion for Partial Summary Judgment* (“*Motion for Summary Disposition II*”) and a *Motion for Summary Disposition of Defendants' Motion to Compel Discovery* (“*Motion for Summary Disposition III*”) based on the lack of responses to their *Motion for Partial Summary Judgment* and *Motion to Compel Discovery*. Respondent did not file a response to either motion.

16. On July 13, 2016, the court entered a minute entry order granting the defendants' *Motion to Compel Discovery* because Respondent did not file a response to that motion (that minute entry was filed on July 15, 2016). The court ordered Respondent to provide disclosure and discovery by July 26, 2016.

17. On July 14, 2016, the court entered a minute entry order granting Brentwood/Petree Management, Inc.'s *Motion for Partial Summary Judgment* and *Motion for Summary Disposition II*, and ordered the defendants to submit a form of order by August 1, 2016 (that minute entry was filed on July 18, 2016).

18. On August 2, 2016, the defendants filed a *Motion for Sanctions/Dismissal* based on Respondent's failure to comply with the July 13, 2016 order directing him to provide an initial disclosure statement and respond to the defendants' discovery requests by July 26, 2016.

19. On August 11, 2016, the court entered a minute entry order directing Respondent to file a response to the defendants' *Motion for Sanctions/Dismissal* on or before August 22, 2016, and provide a Rule 26.1 disclosure statement by no later than August 22, 2016 (that minute entry order was filed on August 15, 2016).

20. On August 22, 2016, the defendants filed a *Motion for Summary Disposition of Defendants' Motion for Summary Judgment* ("*Motion for Summary Disposition IV*") based on the lack of a response to their *Motion for Summary Judgment* filed on July 8, 2016.

21. On August 23, 2016 (one day late), Respondent filed a *Response to Motion for Sanctions/Dismissal* in which he inadvertently stated he had mailed to the defendants' counsel "all outstanding discovery (i.e.,) Plaintiff's Initial Rule 26.1 Disclosure Statement, Plaintiff's Response to Defendants' First Request for Production of Documents and Things to Plaintiff, Defendants' Requests for Admission to Plaintiff and Non-Uniform Interrogatory to Plaintiff, Defendants' First Set of Non-Uniform Interrogatories to Plaintiff, and response to Defendants' Notice of Service of Uniform Personal Injury Interrogatories to Plaintiff."

Respondent provided responses to the defendants' uniform interrogatories and copies of the documents relevant to the request for production of documents by email, but did not provide responses to the defendants' non-uniform interrogatories or request for admissions. Respondent copied the parenthetical in his *Response* without ensuring it was accurate. He believed he had responded to all discovery requests, but he did not take sufficient steps (e.g., carefully reviewing the defendants' motions or contacting the defendants' counsel) to determine what discovery requests had been propounded. Respondent's *Response* stated:

Plaintiff [McDuffie] recognizes that his responses to the Defendants' written discovery requests has been delayed. Plaintiff [McDuffie] has been dealing with several challenges in his personal life. Going forward, he is confident that such challenges will not prevent him from timely prosecuting his claims. Finally, [Respondent Roll] believes that Defendants have not been prejudiced by his late response to their written discovery as the Defendants were able to ask the same of him, and more, at his deposition. Further, as their disclosures attest, Defendants obtained more detailed records about the Plaintiff [McDuffie] than the Plaintiff [McDuffie] was able to obtain himself.

22. On August 30, 2016, the defendants filed a *Reply in Support of their Motion for Sanctions/Dismissal* because Respondent had not provided an initial disclosure statement or responded to all of their discovery requests.

23. Also on August 30, 2016, the court signed an order granting defendant Brentwood/Petree Management, Inc.'s *Motion for Partial Summary Judgment* because Respondent had not responded to the *Motion for Partial Summary*

Judgment and the *Motion for Summary Disposition II* (that order was filed on August 31, 2016). The court dismissed, with prejudice, Brentwood/Petree Management, Inc. as a defendant in the case.

24. On September 9, 2016, the court held a hearing on the defendants' *Motion for Sanctions/Dismissal*. Respondent inaccurately informed the court that he had provided the defendants with his initial disclosure statement and requested discovery by email. Although Respondent had provided the defendants with a disclosure statement, a response to uniform interrogatories and copies of documents relevant to the request for production of documents on August 23, 2016, which he forwarded to the defendants again on September 9, he had not provided responses to *all* outstanding discovery requests.

25. Prior to stating on August 23, 2016 (in his *Response to Motion for Sanctions/Dismissal*), and September 9, 2016 (to the court during a telephonic hearing), that he had responded to all outstanding discovery requests, Respondent failed to take the steps necessary to determine what discovery had been propounded (e.g., carefully reviewing the defendant's motions or contacting the defendants' counsel).

26. During the hearing on September 9, 2016, the court directed the defendants to submit by September 19, 2016, any request for attorney's fees regarding their efforts in pursuing discovery.

27. Also on September 9, 2016, the court issued a minute entry order granting the defendants' *Motion for Summary Judgment* filed on July 8, 2016, and ordered the defendants to submit a proposed order on or before September 30, 2016 (that minute entry was filed on September 12, 2016).

28. On September 20, 2016, the defendants filed an *Application for Attorney's Fees*. In it, they stated that Respondent provided a disclosure statement and answers to uniform interrogatories by email on the afternoon of September 9, 2016, but as of September 20, 2016, had not responded to their non-uniform interrogatories and request for production of documents, both of which were propounded on October 5, 2015.

29. Respondent never provided responses to the defendants' non-uniform interrogatories or request for admissions.

30. On November 1, 2016, the court entered an order dismissing all of McDuffie's claims with prejudice because Respondent had not responded to the defendants' *Motion for Summary Judgment* filed on July 8, 2016, or the defendants' *Motion for Summary Disposition IV* (that order was filed on November 7, 2016). The court also granted the defendants' request for attorney's fees in the amount of \$2,740.50 at 4.5% interest until paid. Respondent did not notify McDuffie at that time that a judgment had been entered against him, which

dismissed all of his claims with prejudice or that he had been ordered to pay the defendants' attorney's fees.

31. On June 15, 2017, Respondent sent an email message to McDuffie. Attached thereto were copies of the defendants' July 8, 2016 *Motion for Summary Judgment* and the court's ruling of July 14, 2016. Respondent did not explain to McDuffie that the court had ordered him to pay the defendants' attorney's fees. He failed to attach a copy of the November 1, 2016 final order, which included the award of attorney's fees against McDuffie.

32. Throughout much of the period of representation, McDuffie had difficulty communicating with Respondent. Respondent and his staff also had difficulty contacting McDuffie. Although he moved, changed telephone numbers, and for short periods of time had no phone, McDuffie provided Respondent with a valid email address, which he regularly checked. McDuffie claims he always notified Respondent or his office, sometimes by leaving voice-mail messages, when he moved or changed telephone numbers, but Respondent asserts that claim is not accurate.

33. McDuffie never *intentionally* withheld information or documents that Respondent needed to file responses to the defendants' discovery requests, and never authorized Respondent not to file responses to the defendants' motions. Respondent, however, did not receive all of the information he sought from

McDuffie. Respondent also asserts that McDuffie should have voluntarily disclosed additional, relevant information about the incident that led to his ear being injured. Respondent concluded he was unable to defend against the various motions for summary judgment due to a lack of credible evidence from McDuffie and evidence to the contrary from the defendants.

34. Respondent provided the defendants' counsel with copies of the documents he received from McDuffie. He also provided defendants' counsel with medical releases from McDuffie, which were used to obtain various medical records, some of which Respondent had not seen prior to the defendants' deposition of McDuffie. During McDuffie's deposition, the defendants' counsel questioned McDuffie about his records.

35. Respondent never sought to withdraw as McDuffie's counsel, and McDuffie never paid any fees to Respondent for the representation.

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., specifically ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.16(a), ER 3.4(d) and ER 8.4(d).

CONDITIONAL DISMISSALS

Based on investigation undertaken following the filing of the formal complaint in this matter, the State Bar has conditionally agreed to dismiss the following allegations of misconduct: ER 3.3(a); ER 3.4(c); ER 4.1(a); ER 8.4(c); and Rule 54(c), Ariz. R. Sup. Ct. Those rules prohibit lawyers from *knowingly* engaging in misconduct. Respondent mistakenly believed he had complied with the court's orders and court rules regarding disclosure and discovery. In some instances, Respondent concluded there was insufficient evidence to defend against the motions filed by the defendants. Based on the information now in the State Bar's possession, the State Bar has concluded it would be unable to prove that Respondent (a) knowingly made false statements of fact to a tribunal (verbally or in his written documents); (b) knowingly disobeyed an obligation under the rules of a tribunal; (c) engaged in conduct involving dishonesty, fraud, deceit or misrepresentation (all of which require a "knowing" state of mind); or (d) knowingly violated any rule or order of the court.

RESTITUTION

Restitution is not an issue in this matter because the complainant, Yahshua McDuffie, never paid any attorney's fees to Respondent.

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 (Law Office Management Assistance Program and a total of six hours of continuing legal education, which addresses disclosure or discovery in civil cases, in addition to the 15 hours of Mandatory Continuing Legal Education).

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 *Standards* 4.43, 6.13 and 6.23 are the appropriate *Standards* given the facts and circumstances of this matter.

Standard 4.43 states that reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

Standard 6.13 states that reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, 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.

Standard 6.23 states that reprimand is generally 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.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently failed to diligently represent his client, negligently failed to adequately communicate with his client, negligently failed to comply with court rules and court orders, and negligently and inaccurately informed the court that he had responded to the defendants' various discovery requests. The parties also agree that Respondent's conduct violated the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree there was actual and potential harm to the client and the legal system (e.g., the imposition of attorney's fees).

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.22(a) – Prior disciplinary offenses (Respondent was censured (the equivalent of a reprimand) and placed on two years of probation (LOMAP and TAEEP) in 2008 in File Nos. 06-0540, 06-0954, 06-1809, and 06-2061 (consolidated) for violations of ER 1.4, ER 1.15, ER 1.16(d), ER 5.3, ER 5.5, ER 5.7, and Rule 44, Ariz. R. Sup. Ct. (Rule 44 has since been repealed but the provisions were incorporated into Rule 43) (all violations were related to Respondent's debt settlement business); Respondent completed the terms of probation).

Standard 9.22(d) – Multiple offenses.

Standard 9.22(i) – Substantial experience in the practice of law (Respondent was admitted to practice law in Arizona on October 22, 1994; however, he had been a transactional attorney until a few years ago).

In mitigation:

Standard 9.32(b) – Absence of a dishonest or selfish motive.

Standard 9.32(e) – Full and free disclosure to bar counsel and cooperative attitude toward the proceedings.

Standard 9.32(g) – Character or reputation (copies of supporting letters are attached hereto as Exhibit B).

Standard 9.32(j) – Delay in the disciplinary proceedings (the charge was received in August 2017).

Standard 9.32(m) – Remoteness of prior offenses (Respondent's prior censure was imposed in 2008).

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate. The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter because the aggravating and mitigating factors are generally equivalent in weight.

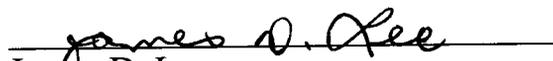
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanctions and will serve the purposes of lawyer discipline.

CONCLUSION

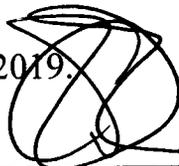
The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of reprimand and two years of probation (with the terms set forth above) and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit C.

DATED this 29th day of January, 2019.

STATE BAR OF ARIZONA


James D. Lee
Senior Bar Counsel

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

DATED this 28th day of January, 2019. 

Guy P. Roll
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 29th day of January, 2019.

Copy of the foregoing emailed
this 29th day of January, 2019, to:

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

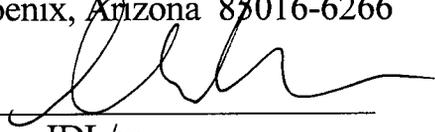
Copy of the foregoing mailed/emailed
this 29th day of January, 2019, to:

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: guy.roll@roll-law.com
Respondent

Copy of the foregoing hand-delivered
this 29th day of January, 2019, to:

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

by:



JDL/nr

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Guy P. Roll, Bar No. 015987, Respondent

File No. 17-2429

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

John T. Fees
5333 N. 7th St. Suite C-123
Phoenix, AZ 85014

December 2, 2018

To Whom It May Concern:

I am pleased to submit this letter of professional support of Mr. Guy Roll in his role as a member of the Arizona Bar.

I have known Mr. Roll since the third grade. I always have known him to be a caring and considerate person who puts the interests of others before himself. In the years since college, our personal friendship has expanded to include a professional one. Since approximately 2005, Mr. Roll has acted as a professional business and legal advisor to my national business interests. He has helped me create businesses, invest in businesses and manage debt instruments. Through each transaction, Mr. Roll had demonstrated excellent judgement and professionalism. Parties have commented on his strong communication skills and deep knowledge of the law.

In addition, Mr. Roll always seems to have time for clients I refer to him. And it is not just because I have referred them – I know that he is always willing to listen and to hear someone out whether they need legal counsel or just more general direction, and he does so regardless of their ability to pay or the potential quality of their case. While I know that this has not served him well financially, it is a testament to the respect and concern he shows for others.

In my experience working attorneys and law firms from across the country, I can say without hesitation that Mr. Roll is the type of individual who brings honor and integrity to the profession – and that he does regard his legal practice more as a service and profession than as a business.

Should you wish, I would be pleased to speak with anyone at the Arizona Bar about my confidence in Mr. Roll professional judgement and character. I believe he is a credit to your profession and most of all to the practice of law within Arizona.

Sincerely,

John Fees

December 5, 2018

Dear State Bar:

Guy Roll has been a friend of mine for over 25 years. In that time span our relationship has continued to grow from casual friends to a very valued personal and professional relationship. I proudly call Guy my personal friend and my lawyer.

I am in Arizona native and have been in the printing business for over 37 years I'm also extremely involved in the community. You can imagine the number of lawyers that I meet and work with is numerous but, Guy is always my choice for my personal and business lawyer. That is because who I know Guy to be, an honest, hard working person who cares about his family and our community. He is always working hard to make our community better by getting involved and volunteering.

One example of this community involvement is with the Tempe's Sister City organization. An organization I served on the board for 30 years, I also served on the National Sister City Board.

Guy, also has a long history with the Tempe's Sister City organization. The first evidence of his always strong character was he was chosen for our student exchange program. That was a pretty rigorous process with multiple interviews with multiple selection committee members. Only the very best were chosen to represent the City of Tempe and the Sister City Program. We would get 100 + applications and only send 12 students.

We have sent over 900 students free of charge on student exchange very few have ever come back to pay it forward. Guy, is one of the few exceptions. He was always one of our best volunteers for a major fundraiser. He was in charge of an area that he had to recruit dozens of people to help. You can't get people to consistently volunteer for you unless you are a good leader yourself, Guy is. His service continued by taking on one of the highest office level and that is to be a coordinators of international an Sister City. He also personally spent his own money traveling to some of our international sister cities to help build a successful long-lasting relationship between our two cities. Going as far as traveling to Mali, Africa to help deliver medical supplies to Tempe's sister city - Timbuktu.

I have had the honor of being a guest in Guys house multiple times for his children's birthday parties. These are great events where dozens of different people show up to celebrate with him and his beautiful family. Guys, commitment to family, friends and community make him a person that I am proud to call my friend.

Sincerely,

Marcus Newton

Exhibit C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

In the Matter of a Member of
the State Bar of Arizona,

GUY P. ROLL,
Bar No. 015987,

Respondent.

PDJ-2018-9094

**FINAL JUDGMENT
AND ORDER**

[State Bar No. 17-2429]

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 reprimanding Respondent **Guy P. Roll** for violations of ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.16(a), ER 3.4(d) and ER 8.4(d), and placing him on two years of probation, as outlined in the consent documents.

IT IS FURTHER ORDERED that Guy P. Roll 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 his 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. CLE: In addition to annual MCLE requirements, Respondent shall, within 90 days from the date of service of this Order, complete six hours of Continuing Legal Education (“CLE”) that addresses disclosure or discovery in civil cases. Respondent shall provide the State Bar Compliance Monitor with evidence of completion of the program(s) by providing a copy of his handwritten notes taken during the programs/courses. Respondent should contact the Compliance Monitor at (602) 340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE programs/courses.

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 impose 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 \$1,200 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 January, 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 January, 2019.

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

Guy P. Roll
The Roll Law Office, PLLC
4600 East Washington Street, Suite 300
Phoenix, Arizona 85034-1908
Email: guy.roll@roll-law.com
Respondent

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

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

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

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

by: _____