

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MATTHEW DOUGLAS SAXE,
Bar No. 024951

Respondent.

PDJ 2018-9129

**FINAL JUDGMENT AND
ORDER**

[State Bar Nos. 18-1582, 18-2420,
and 18-2974]

FILED JANUARY 18, 2019

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent filed on December 17, 2018.

Accordingly:

IT IS ORDERED Respondent, **MATTHEW DOUGLAS SAXE, Bar No. 024951**, is suspended for ninety (90) days and upon reinstatement, two (2) years of probation upon reinstatement for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately.

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

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

IT IS FURTHER ORDERED Matthew Douglas Saxe shall participate in the following programs:

1. LRO Member Assistance Program (MAP): Mr. Saxe shall contact the State Bar Compliance Monitor at (602) 340-7258, within ten (10) days from the date of reinstatement. At that time, bar counsel and the Compliance Monitor shall determine whether an independent MAP assessment is necessary. If Respondent is treating with his own service providers, bar counsel and the Compliance Monitor may elect to forego an independent assessment and develop terms and conditions that would allow for reporting from Respondent's own providers to the Compliance Monitor. If an independent MAP assessment is necessary, 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.
2. FEE ARBITRATION: Mr. Saxe shall participate in the State Bar's Fee Arbitration Program. Mr. Saxe shall contact the Fee Arbitration Coordinator at 602-340-7379 within ten (10) days from the date of reinstatement to obtain the forms necessary to participate in Fee Arbitration. Ms. Saxe shall file the necessary forms no later than thirty (30) days from the date of receipt of the

forms. Mr. Saxe shall have thirty (30) days from the date of the letter from the Fee Arbitration Coordinator to comply with any award entered in the Fee Arbitration proceeding.

IT IS FURTHER ORDERED Mr. Saxe shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

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 Mr. Saxe 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 18th day of January, 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing emailed
this 18th day of January, 2019, and
mailed January 22, 2019, to:

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

Matthew Douglas Saxe
Matthew D Saxe PLC
709 E. Desert Park Ln
Phoenix, AZ 85020-4145
Email: mattsaxe@saxelaw.com
Respondent

Lisa Casablanca
Fee Arbitration Coordinator
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: lisa.casablanca@staff.azbar.org

by: [AMcQueen](#)

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MATTHEW DOUGLAS SAXE,
Bar No. 024951

Respondent.

PDJ-2018-9129

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar Nos. 18-1582, 18-2420, &
18-2974]

FILED JANUARY 18, 2019

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed on December 17, 2018. Probable Cause Orders issued on November 20, 2018 regarding Bar charges 18-1582 and 18-2974. No formal complaint has been filed. Screening File No. 18-2974 is included in this Agreement, but no probable cause order was issued. Mr. Saxe is self-represented, and the State Bar of Arizona is represented by Chief Bar Counsel Maret Vessella.

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.

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

Saxe has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Pursuant to Rule 53(b)(3), the complainants were given notice of this Agreement on December 17, 2018 of the opportunity to file a written objection.

Complainant Mitchell objected that the Agreement contained no provision for restitution and asserted that \$5,000 was appropriate for the injury caused by Mr. Saxe's misconduct. It is laudatory that the client has gone to great lengths to avoid litigation and resolve any restitution issue. However, the issue of such damages is not resolved by the Agreement and better suited to non-administrative adjudication.

The Agreement details a factual basis to support the conditional admissions. It is incorporated by this reference. Mr. Saxe admits violating Rule 42, ER 1.2 (scope of representation), ER 1.3 (diligence), ER 1.4 (communication), ER, 1.5 (fees), ER 3.2 (expediting litigation), ER 5.5 (unauthorized practice of law), 8.4(d) (conduct prejudicial to the administration of justice) and Rule 54(d)(2) (failure to furnish information). Upon acceptance of the Agreement the parties stipulate to a ninety (90) day suspension and upon reinstatement, two (2) years of probation (MAP and Fee Arbitration), and the payment of costs of \$1,200.00 within thirty (30) days from the date of this order.

Mr. Saxe failed to adequately communicate with and diligently represent clients in multiple counts. In Count One, he represented a client in a civil matter alleging fraud in 2014. The trial was set for May 2017. Before the trial commenced, the parties reached a settlement, which included a stipulation to dismiss the matter, a letter of apology, and reimbursement of \$100.00. The parties were given until June 22, 2017 to satisfy the terms of the settlement and file the stipulation to dismiss the matter. Thereafter, Mr. Saxe failed to resolve the matter set forth in the parties agreed upon settlement. In addition, he failed advised the client of his suspension and to initially respond to the State Bar's investigation of this matter.

In Count Two, Mr. Saxe represented a client in a civil matter. He was suspended from the practice of law effective January 26, 2018 for failure to comply with Mandatory Continuing Legal Education (MCLE) requirements. Rule 45, Ariz. R. Sup. Ct. He failed to notify the client of his suspension and failed to respond to discovery requests. Opposing counsel filed motions to compel discovery and requested sanctions. Mr. Saxe failed to respond to that motion and opposing counsel then filed a motion to grant the motion to compel discovery, strike the answer, and award judgment by default. Mr. Saxe did not respond. The Court set a status conference to determined why Mr. Saxe failed to participate. Mr. Saxe failed to appear for the status conference and failed to return the Court's call regarding his appearance. Mr. Saxe further failed to respond to the State Bar's investigation of this matter.

In Count Three, Mr. Saxe represented a client involving landlord tenant issues. The client paid \$5,000.00 for the legal services. Thereafter, Mr. Sax failed to perform all of the services contracted for and the client repeatedly attempted to communicate with Mr. Saxe and the client's matter was delayed because of Mr. Saxe's actions. Mr. Saxe also failed to respond to the State Bar's investigation of this matter.

The parties agree *Standard 4.42 Lack of Diligence* is applicable and provides that suspension is generally appropriate when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.

The parties stipulate that Mr. Saxe's conduct violated his duty to his clients and the legal system. He knowingly failed to pursue the client's objectives and his misconduct caused harm to the client and legal system.

The parties further stipulate in aggravation is factor 9.22(c) pattern of misconduct. 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) are present. A short-term suspension is in accordance with the *Standards*.

Now Therefore,

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

DATED this 18th day of January 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed
on this 18th day of January 2019, and
mailed January 22, 2019, to:

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

Matthew D. Saxe
709 E. Desert Park Lane
Phoenix, AZ 85020-4145
Email: mattsaxe@saxelaw.com
Respondent'

by: AMcQueen

Maret Vessella, Bar No. 019350
Chief Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7250
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

DEC 17 2018

FILED

BY

Matthew Douglas Saxe, Bar No. 024951
709 E. Desert Park Ln
Phoenix, AZ 85020-4145
Telephone 602-690-0610
Email: mattsaxe@saxelaw.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**MATTHEW DOUGLAS SAXE
Bar No. 024951**

Respondent.

PDJ 2018-9129

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar Nos. 18-1582, 18-2420,
and 18-2974

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Matthew Douglas Saxe, 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. Two probable cause orders were entered on November 20, 2018, but no

formal complaint has been filed in this matter. This agreement also contains one screening file that has not been presented to the Attorney Discipline Probable Cause Committee.

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 complainants, David Lamb and Jason Mitchell on December 17, 2018. Complainants have been notified of the opportunity to file a timely written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. A copy of any objection received will be provided to the presiding disciplinary judge.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, specifically, ER 1.2 ER 1.3, ER 1.4, ER 1.5, ER 3.2, ER 5.5, ER 8.4(d) and Rule 54(d)(2), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: A ninety (90) day suspension with a two-year period of probation upon reinstatement. 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 December 19, 2006. Respondent was summarily suspended on January 26, 2018, for failure to comply with Mandatory Continuing Legal Education requirements.

COUNT ONE (File No. 18-1582/ Lamb)

2. In 2014, David Lamb (Lamb) retained Respondent's services to pursue a civil action on his behalf. Lamb had learned, after paying years of child support, that he was not the biological father of twin girls. The allegation was that the ex-wife, biological father and the children knew that Lamb was not the biological father. Lamb sued his ex-wife and the biological father for fraud.

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.

3. The biological father settled with Lamb prior to the trial.
4. Trial was set with the remaining defendant's for May 22, 2017. At the commencement of the trial, the parties notified the court that they had reached a settlement. The terms of the settlement were placed on the record and the parties had until June 22, 2017 to satisfy those terms and file a stipulation to dismiss the case. The terms of the settlement included an apology letter to Lamb, and \$100 for travel costs related to Megan's (one of the twins) trip to Arizona.
5. At this time, Lamb began having difficulty communicating with Respondent. On July 11, 2017, opposing counsel, Jared Sandler, emailed a Stipulation for Dismissal, a letter of apology and proof of payment of \$100 to Megan.
6. On July 18, 2017, Mr. Sandler emailed Respondent and confirmed that his office sent the Stipulation, the letter of apology and proof of payment. The email includes that Sandler's office had been unable to reach Respondent and that the deadline had long since passed to file the Stipulation with the Court.
7. Respondent sent a reply to this email on July 21, 2017 advising that he would be back in the office the following Monday and would be able to respond. Respondent did not respond as he stated.

8. By order dated October 2, 2017, the Court dismissed the case.
9. On October 16, 2017, Lamb emailed Mr. Sandler and told him that he had been unable to reach Respondent since the trial date in May 2017. Lamb wanted to know if Respondent had provided Sandler with an apology letter that Lamb had drafted and provided to Respondent.
10. On November 15, 2017, Respondent emailed Sandler acknowledging Sandler's Notice of Withdrawal and that he was in contact with Lamb and still representing him. Respondent did not communicate with Lamb.
11. Respondent did not provide Sandler with the draft apology letter nor did he take any action to conclude the case in accord with the agreement of the parties.
12. In May 2018, Lamb contacted the State Bar regarding Respondent's misconduct. Lamb did not know that Respondent had been suspended.
13. The apology letter Lamb drafted was six pages in length. The apology letter that was provided by Lamb's ex-wife, through counsel, was four sentences that did not amount to an apology for the underlying events.

14. By letter dated July 31, 2018, the State Bar notified Respondent of the charge filed against him and that he was required to respond to the allegations. Respondent did not respond to the State Bar's inquiry.
15. By letter dated August 31, 2018, the State Bar again advised Respondent of the charge against him and requested a response. Respondent did not respond.
16. On September 26, 2018 and again on October 2, 2018, bar counsel directed staff to contact Respondent to set a time for Respondent and bar counsel to discuss the charge. Respondent did not respond to either voicemail message from the State Bar.
17. Bar counsel was able to reach Respondent and they have met at the State Bar offices on several occasions.

COUNT TWO (File No. 18-2420/ State Bar of Arizona)

18. In or about 2017, Respondent was retained by McMaken Construction, LLC and Ryan McMaken for representation in a civil action. The company and Ryan were named defendants in *Zachary Silvernail v. McMaken Construction LLC*, et al. Silvernail was represented by Thomas Maraz.

19. Respondent never advised the McMakens that as of January 26, 2018 he was suspended from the practice of law and unable to continue the representation if he did not cure the administrative suspension.
20. On March 29, 2018, Respondent informed Mr. Maraz that he had just learned of his administrative suspension and needed additional time to resolve the issue. Respondent did not remedy the administrative suspension and did not respond to the discovery requests.
21. On April 18, 2018, Mr. Maraz filed motions to compel discovery and to order sanctions. Mr. Maraz included exhibits documenting his unproductive communication efforts with Respondent. Again, Respondent filed no response.
22. On May 10, 2018, Mr. Maraz filed a motion for the court to summarily grant the motion to compel discovery as no response had been filed and to strike the McMaken's Answer and be awarded judgment by default. Respondent filed no response.
23. On July 11, 2018, the Court denied the motions and set a status conference giving Respondent a hard deadline, and ordering that he be prepared to explain

to the Court why he has failed to participate. The status conference was set for August 7, 2018.

24. Respondent did not appear for the status conference held on August 7, 2018.

Michael McMaken (on behalf of the construction company) and Ryan McMaken were advised by the Court that they needed to retain counsel prior to the next status conference set for September 5, 2018.

25. On or about August 8, 2018, Judge Mahoney contacted the State Bar to confirm Respondent's status. Based on the pending case in her court, bar counsel directed a staff investigator to attempt contact with Respondent. On August 9, 2018 the staff investigator spoke with Respondent. Respondent indicated that he was aware of his suspension and that he was in contact with the State Bar's MCLE Department to remedy the issue.

26. Respondent advised the investigator that he did not know what to do because he was suspended. Respondent did not however, return the court's call to advise the he would not be appearing.

27. On September 5, 2018, the parties, absent Respondent, again convened for the status conference. The Judge stated on the record that Respondent had

contacted her chambers and expressed an interest in participating in the conference and followed up with an email expressing the same sentiment.

28. McMaken advised the Court that they had not been able to retain new counsel.

The Court gave additional time for the McMaken to hire counsel and reset the status conference for September 20, 2018.

29. On September 20, 2018, McMaken still had no counsel. The Court gave McMaken until October 4, 2018 for new counsel to file a Notice of Appearance.

30. By letter dated August 23, 2018, Respondent was advised of the bar charge initiated based on the McMaken case. Respondent had until September 12, 2018 to respond to the charges. Respondent did not respond to the State Bar's inquiry.

31. On September 26, 2018 and again on October 2, 2018, bar counsel directed staff to contact Respondent to set a time for Respondent and bar counsel to discuss the charge. Respondent did not respond to either voicemail message from the State Bar.

32. On October 3, 2018, Andrew Peshek filed a Notice of Association of Counsel on behalf of the McMakens.

33. Thereafter, bar counsel was able to reach Respondent and they met at the State Bar offices on several occasions.

COUNT THREE (File No. 18-2974/Mitchell)

34. In or about March 2016, Jason Mitchell retained Respondent's services in approximately six separate of cases involving tenant's failure to pay rent, damage to property and denied insurance claims.

35. Mr. Mitchell paid Respondent approximately \$5,000 to pursue these cases.

36. Respondent performed some services on Mr. Mitchell's behalf but for the most part he did not perform all the services contracted for.

37. Despite Respondent's many assurances that he would pursue these matters, he failed to do so.

38. Over the last year, Mr. Mitchell made numerous attempts to communicate with Respondent but was unable to adequately communicate with him.

39. In or about October 2018, Mr. Mitchell contacted the State Bar with allegations concerning Respondent's conduct.

40. By letter dated November 9, 2018, Respondent was advised of the bar charge initiated by Mr. Mitchell. Respondent had until November 29, 2018 to respond to the charges. Respondent did not respond to the State Bar's inquiry.

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 as set forth above violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.2, ER 1.3, ER 1.4, ER 1.5, ER3.2, ER 5.5, ER 8.4(d) and Rule 54(d)(2).

CONDITIONAL DISMISSALS

There are no allegations that the parties have agreed to conditionally dismiss.

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: A ninety (90) day suspension with a two-year period of probation and the imposition of costs and expenses of the disciplinary proceeding.

LEGAL GROUNDS IN SUPPORT OF SANCTION

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

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that *Standard* 4.4 is the appropriate standard given the facts and circumstances of this matter. *Standard* 4.42 provides that "suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.

In each client matter, Respondent failed to take diligent action on behalf of his clients and did not adequately communicate with them as set forth above. Respondent did not advise Mr. Lamb and the McMakens of his administrative suspension and inability to continue with the representations unless the summary suspension was cured. In Mr. Lamb's case the result of Respondent's lack of diligence was the failure to resolve the case in accord with the agreed upon settlement. In the McMaken case, the case was delayed due to Respondent's actions and the court was required to hold multiple conferences to determine whether McMaken had counsel. In Mr. Mitchell's case Respondent delayed resolution of certain matters.

The duty violated

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

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent knowingly failed to pursue the client's objectives which in one case resulted in delay in the court proceeding. Respondent's conduct as set forth above 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 clients 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. The underlying facts involving three separate client matters demonstrates Respondent's pattern of neglect and failure to communicate.

In mitigation:

Standard 9.32(a) Absence of a prior disciplinary record: Respondent was licensed in 2006 and has no prior discipline imposed.

Standard 9.32(b) Absence of a dishonest or selfish motive: Respondent's conduct was not motivated by any dishonesty or selfishness.

Standard 9.32(c) Personal or emotional problems: Respondent was diagnosed with depression in January 2017. Later in January of that year, Respondent's spouse

suffered a stroke. Respondent was served with a dissolution of marriage petition approximately three months later. These factors contributed to Respondent's difficulties with clients. Respondent is currently under the care of a Psychiatrist as well as a Licensed Clinical Social Worker. He is being treated for depression.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction of suspension 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.

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 17th day of December 2018.

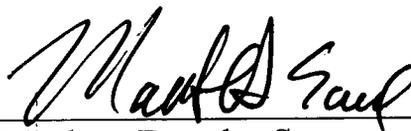
STATE BAR OF ARIZONA



Maret Vessella
Chief Bar Counsel

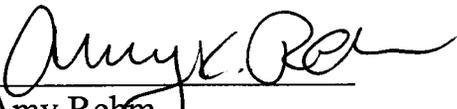
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.

DATED this 17th day of December, 2018.



Matthew Douglas Saxe
Respondent

Approved as to form and content


Amy Rehm
Deputy 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:

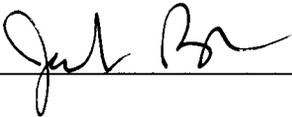
The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

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

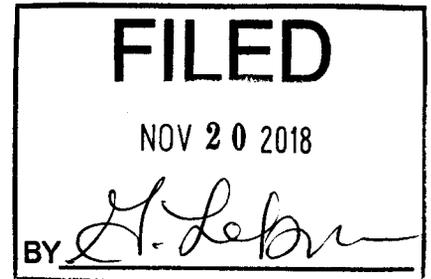
Matthew Douglas Saxe
709 E. Desert Park Ln
Phoenix, AZ 85020-4145
Email: mattsaxe@saxelaw.com
Respondent

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: 

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



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

No. 18-1582

**MATTHEW DOUGLAS SAXE
Bar No. 024951**

PROBABLE CAUSE ORDER

Respondent.

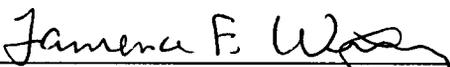
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on November 9, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-1582.

IT IS THEREFORE ORDERED pursuant to Rule 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 20 day of November, 2018.



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

Original filed this 20th day
of November, 2018, with:

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

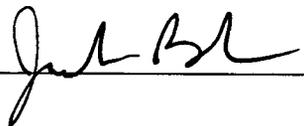
Copy mailed this 21st day
of November, 2018, to:

Matthew Douglas Saxe
Matthew D. Saxe PLC
709 E. Desert Park Ln
Phoenix, AZ 85020-4145
Respondent

Copy mailed this 21st day
of November, 2018, to:

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: 

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

FILED
NOV 20 2018
BY *H. Lebar*

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

No. 18-2420

**MATTHEW DOUGLAS SAXE
Bar No. 024951**

PROBABLE CAUSE ORDER

Respondent.

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on November 9, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-2420.

IT IS THEREFORE ORDERED pursuant to Rule 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 20 day of November, 2018.

Lawrence F. Winthrop

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

Original filed this 20th day
of November, 2018, with:

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

Copy mailed this 21st day
of November, 2018, to:

Matthew Douglas Saxe
Matthew D. Saxe PLC
709 E. Desert Park Ln
Phoenix, AZ 85020-4145
Respondent

Copy mailed this 21st day
of November, 2018, to:

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: 

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
Matthew Douglas Saxe, Bar No. 024951, Respondent

File Nos. 18-1582, 18-2420, & 18-2974

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
SUSPENDED MEMBER OF
THE STATE BAR OF ARIZONA,**

**MATTHEW DOUGLAS SAXE
Bar No. 024951**

Respondent.

PDJ

**FINAL JUDGMENT AND
ORDER**

State Bar Nos. 18-1582, 18-2420,
and 18-2974

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, **Matthew Douglas Saxe**, is suspended for ninety (90) days with a two-year period of probation upon reinstatement for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective immediately.

IT IS FURTHER ORDERED upon reinstatement, Respondent shall be placed on probation for a period of two years.

IT IS FURTHER ORDERED Matthew Douglas Saxe 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 reinstatement. At that time, bar counsel and the Compliance Monitor shall determine whether an independent MAP assessment is necessary. If Respondent is treating with his own service providers, bar counsel and the Compliance Monitor may elect to forego an independent assessment and develop terms and conditions that would allow for reporting from Respondent's own providers to the Compliance Monitor. If an independent MAP assessment is necessary, 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.

2. FEE ARBITRATION: Respondent shall participate in the State Bar's Fee Arbitration Program. Respondent shall contact the Fee Arbitration Coordinator at 602-340-7379 within 10 days from the date of reinstatement to obtain the forms necessary to participate in Fee Arbitration. Respondent shall file the necessary forms no later than 30 days from the date of receipt of the forms. Respondent shall have 30 days from the date of the letter from the Fee

Arbitration Coordinator to comply with any award entered in the Fee Arbitration proceeding.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

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:

Matthew Douglas Saxe
Matthew D Saxe PLC
709 E. Deserk Park Ln
Phoenix, AZ 85020-4145
Email: mattsaxe@saxelaw.com
Respondent

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

Maret Vessella
Chief 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: _____