BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **ZACHARY W. SCHON, Bar No. 025741** Respondent.	**PDJ 2019-9020** **JUDGMENT OF DISBARMENT** State Bar No. 18-0971 **FILED MAY 13, 2019**

Pursuant to Rule 57, Ariz. R. Sup. Ct., the parties filed with the disciplinary clerk a Consent to Disbarment (Consent). The Consent complies with Rule 57(a)(5), Ariz. R. Sup. Ct., and is accepted. The acceptance of a consent to disbarment constitutes a final disposition of all pending proceedings. Under Rule 57(a)(5) any future application for reinstatement "will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the complaint..."

Now therefore,

IT IS ORDERED disbarring Respondent, **ZACHARY W. SCHON, Bar No. 025741**, from the State Bar of Arizona effective immediately. His name is stricken from the roll of lawyers and he is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court.

IT IS FURTHER ORDERED Respondent shall immediately comply with the requirements of Rule 72, Ariz. R. Sup. Ct., which include, but are not limited to, notification of clients and others and filing all notices and affidavits required.

IT IS FURTHER ORDERED under Rule 57(a)(5)(C), no further disciplinary action shall be taken regarding the matters that are the subject of the charges upon which the Consent and this judgment of disbarment are based.

IT IS FURTHER ORDERED Mr. Schon shall pay the costs and expenses of the State Bar of Arizona in the amount of $1,217.46.

DATED this 13th day of May 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copy of the foregoing mailed/emailed
this 13th day of May 2019.

Rebecca Nicole Kennelly
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Zachary W. Schon, Bar No. 025741,
3265 N. Little Creek Pl.
Tucson, AZ 85712-1142
Email: zschon@gmail.com
Respondent

by: MSmith

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

MAY 03 2019

FILED

BY

Rebecca Nicole Kennelly, Bar No. 025597
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7247
Email: LRO@staff.azbar.org

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **ZACHARY W. SCHON** **Bar No. 025741** Respondent.	**PDJ 2019-9020** **CONSENT TO DISBARMENT** State Bar No. 18-0971

I, Zachary W. Schon, residing at 3265 N. Little Creek Pl., Tucson, AZ 85712-1142, voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

I acknowledge that a formal complaint has been filed against me. I have read the complaint, and the charges there made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment. I have been advised of and have had an opportunity to exercise my right to be

represented in this matter by a lawyer. I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the complaint filed against me. The misconduct of which I am accused is described in the complaint bearing the number referenced above, a copy of which is attached hereto as Exhibit "A."

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

A proposed form of Judgment of Disbarment is attached hereto as Exhibit "C."

///

I, Zachary W. Schon, hereby verify under penalty of perjury that I have read the foregoing and it is correct to the best of my knowledge and belief.

DONE AT Tucson, Arizona, on May 6, 2019, 2019.

Zachary W. Schon
Respondent

Approved as to Form:

Rebecca Nicole Kennelly
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this___ day of May, 2019.

Copy of the foregoing emailed
this ____ day of May, 2019, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge

I, Zachary W. Schon, hereby verify under penalty of perjury that I have read the foregoing and it is correct to the best of my knowledge and belief.

DONE AT _____, Arizona, on _____, 2019.

_____
Zachary W. Schon
Respondent

Approved as to Form:

Rebecca Nicole Kennelly
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 6th day of May, 2019.

Copy of the foregoing emailed
this 6th day of May, 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 6th day of May, 2019, to:

Zachary W. Schon
3265 N. Little Creek Pl.
Tucson, AZ 85712-1142
Email: zschon@gmail.com
Respondent

Copy of the foregoing hand-delivered
this 6th day of May, 2019, to:

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

by: Sara Perkey
RNK/sab

EXHIBIT "A"

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

APR 16 2019

FILED

BY

Rebecca Nicole Kennelly, Bar No. 025597
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7247
Email: LRO@staff.azbar.org

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	**PDJ 2019-9020**
ZACHARY W. SCHON, Bar No. 025741,	**COMPLAINT**
Respondent.	[State Bar No. 18-0971]

Complaint is made against Respondent as follows:

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 November 16, 2007.

COUNT ONE (File No. 18-0971/Medcoff)

2. In June 2015, Respondent began working with Farhang & Medcoff, PLLC ("the firm") as an independent contractor with the designation "of counsel"

handling criminal matters with a fee split of 70/30, which later changed in August 2016 in Respondent's favor to 75/25.

3. Beginning around October 2017, Respondent stopped communicating with clients, missed or continued court hearings, took on clients without notifying the firm or acquiring written fee agreements, and accepted payments from clients without notifying or compensating the firm. Respondent's conduct resulted in harm to his clients such as arrest warrants being issued, driver's licenses being suspended, and trials being reset without notification.

4. In February 2018, the firm learned of Respondent's misconduct, and after meeting with Respondent to assess the situation, Respondent agreed to withdraw from the practice of law for an indefinite length of time.

5. Respondent's cases were reassigned or referred out to other attorneys. Initially, Respondent answered questions about his cases and said he would compensate the firm for their financial losses. However, Respondent eventually stopped communicating with the firm and did not fully reimburse the firm for the unearned funds he retained.

6. Respondent mishandled client payments. Respondent's payments were designated "earned upon receipt," and all monies were to be payable to the

firm with Respondent to receive a set percentage. However, in some instances Respondent accepted payments directly without reporting them to the firm, without paying the firm its share of the fees, and/or without a written engagement letter.

7. Due to Respondent's conduct, the firm suffered financial losses of approximately $36,000.00. This amount represents refunds the firm issued to Respondent's clients, fees that Respondent owes the firm because he accepted payment directly from clients, and unearned fees that Respondent retained for cases that were reassigned to other attorneys. The $36,000.00 does not include the firm's fees and costs paid to successor counsel to locate documents, contact clients, and get up to speed on the cases.

8. Because Respondent did not follow firm policies when opening and maintaining client files, it was unclear how many cases Respondent had pending when he departed the firm. Respondent's client files were also incomplete, requiring the firm to request lists of cases and disclosure from the courts and opposing counsel.

9. One case that was reported by the Court but was not in the firm's records involved client MP. Respondent was asked about the representation, and

Respondent claimed that he handled the MP case on a pro bono basis for a friend. Respondent's pro bono claim was false. Respondent had accepted $3,000.00 directly from MP and performed little to no work on MP's case.

10. Respondent failed to provide the firm with MP's contact information; therefore, the firm expended time and resources to locate MP.

11. The firm reported Respondent to the State Bar of Arizona ("SBA"), and, in addition to MP, the firm provided the following non-exhaustive list of clients who were harmed by Respondent:

12. Client CM was referred to Respondent after being charged with leaving the scene of a collision. On October 19, 2016, CM paid the firm $3,000.00, and Respondent retained $2,250.00. CM reported that Respondent "disappeared from his role" and stopped returning his calls. Respondent did not maintain records of communication with CM and did not perform any work on CM's case between 2016 and 2018 except for moving to continue hearings. The client file did not include any documents disclosed by the State. On February 2, 2018, a warrant was issued for CM's arrest for his failure to appear at a hearing.

13. Client SK hired Respondent in January 2017 for representation in a DUI case. SK paid the firm $3,500.00 and Respondent retained $2,625.00.

Respondent appeared at an administrative hearing on SK's behalf in April 2017 and otherwise appeared or continued hearings in SK's criminal case until January 2018. Respondent stopped responding to SK's calls and messages in or around January 2018 and failed to inform SK of his upcoming trial date. Though Respondent claimed an expert would testify at SK's trial, Respondent failed to retain or schedule expert testimony. SK's trial was continued by successor counsel who received the case one week prior to the trial start date.

14. Client EG hired Respondent in June 2017 for representation in a felony case. EG paid the firm $6,000.00, and Respondent retained $4,500.00. Respondent did not communicate reasonably with EG towards the end of 2017 and the beginning of 2018, he arrived late to court hearings, and he missed the change of plea hearing.

15. Client RZ hired Respondent in June 2017 for representation in a criminal speeding case. RZ paid the firm $1,000.00, and Respondent retained $750.00. Respondent never met RZ in person, but spoke to her on the phone approximately three times and exchanged text messages and emails. After messaging RZ on November 8, 2017, to say that the prosecutor was considering a better plea offer, Respondent stopped communicating with RZ and did not respond

to her requests for an update on December 12, 2017 and January 4, 2018. RZ messaged Respondent on February 4, 2018, about a notice she received stating that her license was suspended for her failure to attend a hearing but Respondent did not respond.

16. Clients DS and CS retained Respondent in November 2017 for representation in their disorderly conduct cases. DS and CS paid the firm $4,000.00, and Respondent retained $3,000.00. Other than meeting with the clients twice and speaking to them on the phone twice, Respondent did not perform any work on their behalf and stopped returning their calls by January 2018. Respondent did not inform DS of his arraignment date and that a warrant was issued for DS for his failure to appear at his arraignment.

17. Client JW hired Respondent in November 2017 and paid Respondent $3,000.00 with checks made out directly to Respondent. JW retained Respondent because he was being investigated for a crime and his house was searched by officers. JW wanted Respondent to resolve issues with the County Attorney, and though the County Attorney sent JW a letter saying that the case was closed, JW was never informed if Respondent did any work on the case and only met with Respondent twice. Respondent falsely claimed to the firm that he was only paid

$1,500.00 by JW, and in turn Respondent provided the firm with a check for $1,500.00 as repayment. However, Respondent's check bounced. Additionally, the firm retrieved copies of the cancelled checks and confirmed that JW paid Respondent $1,500.00 on November 5, 2017, and $1,500.00 on December 9, 2017.

18. Client DM hired Respondent in December 2017 for representation in a traffic matter. DM paid Respondent $5,000.00 with a check made out to Respondent during their initial meeting. Respondent told DM that the check was an implied contract and that a fee agreement was not necessary. DM met with Respondent one other time to discuss her case. Respondent failed to appear at DM's first court hearing. Respondent called DM to assure her that he would be present at her second hearing, but Respondent did not appear, and the case was reassigned within the firm though the firm received no payment from the client or from Respondent.

19. Client KH hired Respondent in 2017 for representation in a DUI case. KH paid the firm $3,000.00, and Respondent retained $2,250.00. Respondent never met KH in person, but spoke to him on the phone two or three times and told KH not to worry about appearing for court. Respondent was contacted by KH after

KH received notice of an arrest warrant for his failure to appear, and Respondent told KH that the County Clerk "messed up." KH's case was then reassigned.

20. In response to these allegations, Respondent told the SBA that his father received a terminal diagnosis in September 2017. Respondent was just beginning to establish a relationship with his father, so he reacted to this news by withdrawing from his friends, family, and work. Respondent attempted to keep his practice going, but his "calendar organization drastically suffered due to [his] depressed state." Respondent admitted that he missed hearings and was not able to maintain the level of representation and responsibility as he had prior to his depression.

21. As for accepting payments from clients, Respondent reported to the SBA that he had clients make checks payable to him and would deposit those funds into his personal account because the firm did not accept personal checks. This was a misrepresentation. The firm confirmed that they do accept personal checks.

22. Respondent falsely reported to the Bar that he submitted client payments to the firm using the firm's online electronic payment system.

23. The firm did not receive any payments from Respondent via their electronic payment system.

24. Respondent admitted that he accepted some payments from clients and did not "immediately pay the firm."

25. Respondent was not diligent about obtaining signed copies of client engagement letters.

26. The firm has not been fully reimbursed and received very little in terms of outstanding fees from older cases.

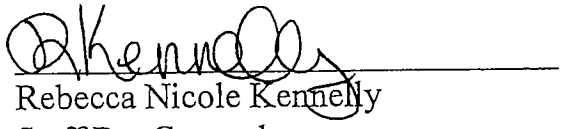
27. Respondent was cited for DUI on February 5, 2012, and pled to Reckless Driving, a class 1 misdemeanor, on June 19, 2012.

28. Respondent was cited for Extreme DUI (.20 or above) on June 23, 2012, and pled to DUI (impaired to the slightest degree), a class 1 misdemeanor, on October 11, 2012.

29. Respondent's conduct in this count violated Rule 42, Ethical Rules 1.2, 1.3, 1.4, 1.5(a), 1.5(b), 1.15(a), 1.16(a)(2), 1.16(c), 1.16(d), 3.2, 8.1, 8.4(b), 8.4(c), and 8.4(d).

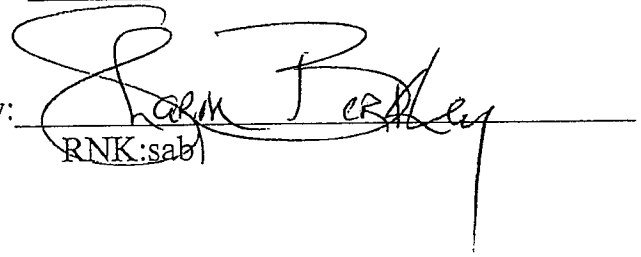
DATED this 16th day of April, 2019.

STATE BAR OF ARIZONA



Rebecca Nicole Kennelly
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 16th day of April, 2019.

by: 
RNK:sab

FILED

APR 16 2019

BY Karen E. Calleyo

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, **ZACHARY W. SCHON, Bar No. 025741,** Respondent.	No. 18-0971 **PROBABLE CAUSE ORDER**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on April 12, 2019, 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 7-0-2[1], the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-0971.

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 16 day of April, 2019.

Daisy Flores, Vice Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

[1] Committee members Judge Lawrence F. Winthrop and Genene Dyer did not participate in this matter.

Original filed this 16th day
of April, 2019, with:

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

Copy mailed this 16th day
of April, 2019, to:

Zachary W. Schon
3265 North Little Creek Place
Tucson, Arizona 85712-1142
Respondent

Copy mailed this 16th day
of April, 2019, 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 Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

By: _____

EXHIBIT "B"

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
ZACHARY W. SCHON Bar No. 025741, Respondent

File No. 18-0971

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

8/15/2018 Accurint Invoice	$ 17.46
Total for staff investigator charges	$ 17.46
TOTAL COSTS AND EXPENSES INCURRED	$ 1,217.46

EXHIBIT "C"

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	**PDJ 2019-9020**
ZACHARY W. SCHON **Bar No. 025741** Respondent.	**JUDGMENT OF DISBARMENT** State Bar No. 18-0971

Pursuant to Rule 57, Ariz. R. Sup. Ct., the parties filed with the disciplinary clerk a Consent to Disbarment (Consent). The Consent being in compliance with Rule 57(a)(5) and the Presiding Disciplinary Judge having considered it,

Now therefore,

IT IS ORDERED accepting the Consent and disbarring Respondent, Zachary W. Schon, Bar No. 025741, from the State Bar of Arizona effective _____. His name is stricken from the roll of lawyers and he is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court.

IT IS FURTHER ORDERED Respondent shall immediately comply with the requirements of Rule 72, Ariz. R. Sup. Ct., which include but are not limited to notification of clients and others and filing all notices and affidavits required.

IT IS FURTHER ORDERED under Rule 57(a)(5)(C), no further disciplinary action shall be taken regarding the matters that are the subject of the charges upon which the Consent and this judgment of disbarment are based.

IT IS FURTHER ORDERED Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of $1,217.46.

DATED this _____ day of _____, 2019.

_____
William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this _____ day of May, 2019.

Zachary W. Schon, Bar No. 025741,
3265 N. Little Creek Pl.
Tucson, AZ 85712-1142
Telephone: 520-401-5743
Email: zschon@gmail.com
Respondent

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

by:_____