

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

THOMAS H. WILSON,
Bar No. 020958

Respondent.

No. PDJ 2017-9119

**AMENDED FINAL JUDGMENT
AND ORDER OF SUSPENSION
AND PROBATION**

[State Bar No. 17-0244]

FILED APRIL 11, 2019

On April 3, 2019, the Supreme Court of Arizona affirmed the Decision and Order of the Hearing Panel suspending Mr. Wilson for six months and one day followed by two years of probation upon reinstatement. The Court affirmed the Hearing Panel's finding that Mr. Wilson violated Rule 42, Ariz. R. Sup. Ct., ERs 4.2, 4.4, 8.2, 8.4(c), 8.4(d), and Rule 41(g). Costs, if any, will be awarded by separate order which shall be incorporated by this reference.

Now Therefore,

IT IS ORDERED Respondent, **THOMAS H. WILSON, Bar No. 020958**, is suspended from the practice of law for six (6) months and one (1) day effective May 30, 2019 for his conduct in violation of the Arizona Rules of Professional Conduct.

IT IS FURTHER ORDERED Mr. Wilson shall immediately comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED prior to the date of any application for reinstatement, Mr. Wilson shall have completed the CLE titled “Zealous Advocate or Raging Bull? Overcoming Anger in the Legal Environment.”

IT IS FURTHER ORDERED on the date of his reinstatement, Mr. Wilson shall be placed on probation for eighteen (18) months with the State Bar’s Member Assistance Program (MAP).

IT IS FURTHER ORDERED within fifteen (15) days of reinstatement, Mr. Wilson shall contact the State Bar Compliance Monitor to enter into a MAP contract. Mr. Wilson shall comply with all the terms of the MAP contract and assessment which shall be incorporated herein by reference. Mr. Wilson shall be responsible for any costs associated with MAP.

NON-COMPLIANCE LANGUAGE

If Mr. Wilson 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, issue an appropriate sanction. If there is an allegation that Mr. Wilson 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. Wilson shall pay within thirty days of final assessment any costs ordered pursuant to Rule 60(b), Ariz. R. Sup. Ct. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

DATED this 11th day of April 2019.

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

COPY of the foregoing e-mailed this 11th day of April 2019, and mailed April 12, 2019, to:

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Respondent

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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

THOMAS H. WILSON,
Bar No. 020958

Respondent.

PDJ 2017-9119

**DECISION AND ORDER
IMPOSING SANCTIONS**

[State Bar No. 17-0244]

FILED APRIL 24, 2018

On March 28, 2018, the Hearing Panel (“Panel”), comprised of Stanley R. Lerner, attorney member, Richard L. Westby, public member, and the Presiding Disciplinary Judge, (“PDJ”), William J. O’Neil, held an aggravation/mitigation hearing. Nicole S. Kasetta appeared on behalf of the State Bar of Arizona (State Bar). Thomas H. Wilson (“Mr. Wilson”) appeared with counsel, Thomas Higgins. Exhibits 1-45 were admitted. The Panel heard the testimony of Mr. Wilson and Kimberly York. At the conclusion of the hearing, the State Bar requested that suspension and probation be imposed.

SANCTION IMPOSED

The Panel orders Mr. Wilson suspended for six (6) months and one (1) day and upon reinstatement placed on eighteen (18) month probation for violating Rule 42, Ariz. R. Sup. Ct., ERs 4.2, 4.4, 8.2, 8.4(c), 8.4(d), and Rule 41(g).

PROCEDURAL HISTORY

The Complaint was filed on November 21, 2017 and served pursuant to Rules 47(c) and 58(a)(2), Ariz. R. Sup. Ct. on November 28, 2017. On December 29, 2017, Mr. Wilson filed his answer to the complaint. A firm hearing date was set for March 1, 2018. On February 14, 2018, the State Bar sought sanctions with expedited consideration due to the pending hearing date. The motion alleged that Mr. Wilson failed to timely provide the State Bar with a disclosure statement, failed to cooperate in filing a joint prehearing statement, and engaged in obstructionist tactics during his deposition.

On February 21, 2018, the PDJ issued Orders directing the parties to further brief the motion on an expedited basis. Mr. Wilson was to file a response to the State Bar's supplement not later than March 5, 2018. Mr. Wilson failed to file a timely response.

On March 8, 2018, the PDJ granted the motion and entered an Entry of Judgment by Default and Orders Re: Failure to Comply with Disclosure and Discovery Rules ("Entry of Judgment"). The PDJ notified all parties of a scheduled aggravation/mitigation hearing for March 28, 2018 at 10:45 and it proceeded on that date.

A respondent against whom a default has been entered no longer has a right to litigate the merits of the factual allegations but retained the right to appear and

participate in the hearing that will determine the sanctions. Mr. Wilson participated, examined witnesses, and testified.

FINDINGS OF FACT¹

Many of the facts listed below are set forth in the State Bar's complaint and were deemed admitted by Mr. Wilson's default. At all times relevant, Mr. Wilson was a lawyer licensed to practice law in the State of Arizona having been first admitted to practice in Arizona on May 24, 2001. [Complaint ¶ 1.]

COUNT ONE (File no. 17-0244/Arizona)

Mr. Glick and Ms. York have children aged 16 and 13. [Ex. 22, Bates, SBA102, at ¶ 4b] In June of 2006, Mr. Glick and Ms. York executed and filed a Consent Decree of Dissolution of Marriage with Children in their family law case which was signed by the judicial officer on June 28, 2006. [Ex. 22.] Their parenting agreement was attached to this Consent Decree. (Id. at Bates SBA112-123). It was approved by the court and made part of that Consent Decree by paragraph 4(c)(1) of the Decree. [Id at Bates SBA 0103.] The parenting agreement at paragraph IV provides that,

If a parent reasonably suspects that another parent may be under the influence of alcohol during the time that that parent is responsible for caring for the children, the parent with such concern may request that the other parent submit to urine alcohol screening and the parent so requested shall forthwith comply

¹ If not an admitted allegation or otherwise noted, these facts are drawn from hearing testimony.

with this request. That parent shall forthwith submit to a urine test to a previously agreed upon and arranged laboratory. If the parent does not comply with the request, or if it is at such a time as the laboratory is unavailable to perform the test, then the parent who is suspected to be under the influence of alcohol will not exercise parent access with the children at that time.

The parties also stipulated this was such a major concern that a “suspected violation is a basis for modification of the custody parenting plan.” [Id. at Bates SBA000120.]

On December 7, 2016, Mr. Glick was arrested for felony driving under the influence (“DUI”). [Ex. 15-16.] Mr. Glick’s children were in the car with him when he was arrested and one was under the age of 15 at the time. [Ex. 16.] Within months he would pled guilty to child endangerment and DUI. [Exhibit 41, Bates SBA0191.]

On December 8, 2016, Mr. Glick was released from custody. [Ex. 15.] Mr. Glick’s release conditions had no requirement that he report to Pretrial Services or that he complete any drug monitoring as directed by Pretrial Services. [Id.]

Commencing in December 2016, Mr. Wilson represented Mr. Glick in his DUI case. [Ex. 17]. After Mr. Glick’s arrest, Ms. York contacted Mr. Glick about parenting time and alcohol screening. [Ex. 2, Bates SBA005.]

On December 16, 2016, Mr. Wilson emailed to Ms. York attempting to mislead her regarding the parenting agreement and the extent of his representation.

Here’s your notice and your warning. Pay attention, there won’t be a second one. You are in violation of the Courts [sic] custody order. I will bring a contempt action against you precisely Monday morning and have you served wherever you may be before noon Monday. Perhaps you should review your custody agreement. You seem to think there is a section that says ‘Ms. York

may unilaterally ignore this agreement and invent her own rules, with no Court permission at all, if Todd is accused of a crime. [Id. at Bates SBA004.]

Mr. Wilson knew the terms of the parenting agreement and again referred to the agreement five days later in another email to Ms. York. He also knew that he had not been retained to file a contempt action against Ms. York.

Mr. Wilson was asked by the State Bar “whether you represented Mr. Glick in the family law matter as of December 16, 2016...” He answered, “I assisted Mr. Glick regarding enforcement of his existing child custody order. This included filing a pleading on or about December 22, 2016.” He stated this was done only “as a courtesy as part of the DUI representation.” He stated he informed Mr. Glick that “if it became more than a few phone calls or emails” he would need to be retained. [Ex. 12, Bates SBA000055.] It is in the context of his own claimed “courtesy,” non-retained relationship that we measure his actions towards York and her attorney.

On December 18, 2016, Ms. York responded with an email to Mr. Wilson. She explained that she had been proceeding in good faith and that Glick and she had agreed to modify the parenting time schedule based on those communications and (as provided in the parenting agreement), participate in substance abuse testing. [Ex. 2. SBA005.] Based on his repeated references to the parenting agreement, we conclude Mr. Wilson knew the terms that the parenting agreement adopted by the Court mandated his client, “forthwith submit to a urine test to a previously agreed

upon and arranged laboratory.” He also knew that the failure of his client to do so forfeited his right to parental access.

On December 19, 2016, Mr. Wilson emailed Ms. York his reply. In part it stated, “Mr. Glick was charged with DUI with the teenagers in the car. As part of the procedure, Department of Child Family Services was contacted. You really have quite a fixation with that. . . . Thanks, I read it the first 4 times you said it. Please discontinue your fixation with repeating yourself to me.” [Id. at Bates SBA006.] Mr. Wilson in that email intentionally sought to intimidate York and threatened to take action against York contrary to the parenting agreement.

As summarized in the December 20, 2016 email to Mr. Wilson, on December 19, 2016, attorney Sharolynn Griffiths (Ms. Griffiths) contacted Mr. Wilson by phone on behalf of Ms. York. [Id. at Bates SBA009]. Ms. York was present for most of this phone call. Mr. Wilson knew that Griffiths was an attorney and acting on behalf of York. It was during this telephone conversation that Mr. Wilson intentionally misrepresented to Ms. Griffiths that Mr. Glick was already testing with Pretrial Services for drugs and alcohol as part of the original conditions of his release. [Id.]

On December 20, 2016, Mr. Wilson sent Ms. Griffiths a text message at 10:05 a.m. asking if she represented Ms. York. [Ex. 4, Bates SBA018.] Mr. Wilson knew that he was representing Glick as a “courtesy” and was not retained. Ms. Griffiths

responded by calling Mr. Wilson's office before lunch, telling the receptionist that she represented Ms. York, and asking Mr. Wilson to call her.

At 1:06 p.m., knowing Ms. York had an attorney representing her, Mr. Wilson directly emailed Ms. York threatening and intimidating her again. He intentionally did not copy Griffiths on the email., but instead concluded stating "I am aware you have consulted but not retained counsel." [Ex. 2 at Bates SBA009).

Ms. Griffiths stopped by Mr. Wilson's office that afternoon but Mr. Wilson was not available. At 5:06 p.m., Ms. Griffiths sent Mr. Wilson an email verifying that she represented Ms. York on a limited basis. [Id. at Bates SBA009-10.] The professionalism of Ms. Griffith's email stands in stark contrast to Mr. Wilson. She sought to discuss the matter with Mr. Wilson to "amicably resolve the immediate issue of Mr. Glick's parenting time this week and/or winter break, including his request to take the children to California to see his parents next week." [Id.]

The statements of Griffiths were founded on the parenting agreement when she stated to Mr. Wilson, that if "Mr. Glick instead demands parenting time without implementing any safety provisions to address his substance abuse, then Kimberly will be forced to seek the assistance of the Court to protect their children's best interests." [Id.]

Ms. Griffiths concluded by asking, “Could you please immediately provide us with proof of Mr. Glick’s compliance with Pretrial Services and his ongoing urinalyses and breath tests that we discussed yesterday. . .?” [Id.]

On December 21, 2016 at 1:32 p.m., Mr. Wilson sent a long, wildly unprofessional email to Ms. Griffiths. He intentionally communicated with Ms. York by copying her with his email to further his intimidation tactics. [Id. at Bates SBA010-12.] We find the email was unprincipled, threatening, and with no substantial legal or professional purpose except to bully. The rant included capitalized words, soon followed by capitalized sentences, then followed by capitalized sentences that were emboldened. He threatened that he had the power to direct the police to Ms. York’s house, with him present. In capitalized, emboldened print he threatened that he had the power and would,

I WILL PERSONALLY RESPOND WITH THE POLICE TO PURSUE CUSTODIAL INTERFERENCE CHARGES. . . . IF SHE FAILS TO DELIVER THE KIDS ON DECEMBER 25 AT 9AM AND FORCES ME TO COME TO HER HOUSE WITH POLICE, MY LEGAL FEES FOR A CHRISTMAS DAY RESPONSE WILL BE QUITE HIGH, AND AS THIS WARNING COMES 4 DAYS IN ADVANCE, ANY SUCH

**UNREASONABLE ACTIONS BY HER WILL INDEED
RESULT IN HER PAYING THOSE FEES. [Ex. 2, Bates
SBA000010-12.]**

Mr. Wilson knew his threats and statements were contrary to the decree and we find them unethical. He acted in intentional disregard of the decree. Prior to proceeding to court, Griffiths left Mr. Wilson a message stating her intentions. [Complaint ¶ 27.] At 4:36 p.m. that day, Ms. Griffiths filed her notice of appearance on behalf of Ms. York in the family law case and a verified petition for ex parte temporary orders regarding parenting time. [Ex. 28 & Ex. 32].

Ms. Griffiths also filed an attorney certificate stating:

I have spoken with Thomas Wilson, Esq., regarding this matter. He provided me with misleading and blatantly false information pertaining to Father's purported substance abuse testing through Pima County Pretrial Services. . . . I have personally contacted Pima County Superior Court and Pretrial Services to confirm the status of Father's pending felony charges and conditions of his release. Based on my conversation with Pima County Pretrial Services, Father is not associated with Pretrial Services at this time and there are no substance abuse tests issued in association with his release conditions." [Ex. 29, Bates SBA150-51, ¶¶ 4-6.]

At 4:54 p.m., Mr. Wilson emailed Ms. Griffiths and threatened: "You are aware I represent . . . Glick. If you attempt to go before a judge without notice you do so in bad faith, as this notice from me advises you I represent [Mr. Glick] and

need to be provided notice of any proceedings involving him.” [Ex. 10 at Bates SBA038.]

At 5:15 p.m., the court entered temporary orders providing Ms. York with temporary sole legal decision making and exclusive residential parenting time with the children.” [Ex. 31.] The court also scheduled a hearing for January 4, 2017. [Id.]

At 5:20 p.m., Ms. Griffiths immediately emailed Mr. Wilson informing him, “Judge Sanders has granted temporary orders without notice based on the circumstances. . . . Please also advise your client that he is not to discuss this matter with the children, nor with [Ms. York]. . . . Forward your Notice of Appearance to me by the end of tomorrow. . . .” [Ex. 10 at Bates SBA037.]

At 5:33 p.m. that day, Mr. Wilson emailed Ms. Griffiths further clarifying his intentions and disregard. He asserted, “I will advise Mr. Glick of nothing. You have a court order? I know nothing of that. He postured that Griffiths was “beyond pretentiously ignorant.” He baselessly proclaimed that she had acted “in bad faith in a fraud on the court.” He emphasized that it is “really fun for me” to see lawyers such as Griffiths suspended. Mr. Wilson again intentionally communicated with Ms. York by copying her on his email to further his intimidation. [Id.] At 5:40 p.m., Ms. Griffiths emailed Mr. Wilson demanding he “...stop emailing and/or copying my client on correspondence.” [Id. at Bates SBA036-37.]

Mr. Wilson, with blatant disregard, lied in response and again intentionally copied Ms. York, with an email stating, “[D]idn’t know she was your client. No notice of appearance and your statements that she couldn’t afford to hire you.” [Id. at Bates SBA036.]

At 6:07 p.m., Ms. Griffiths emailed Mr. Wilson and wrote: “. . . please review our correspondence wherein I explicitly informed you that I represent Kimberly York.” [Id.] Ms. Griffiths attached to this email the temporary orders, notice of hearing, and other documents. [Id.]

At 6:26 p.m., Ms. Griffiths emailed Mr. Wilson:

If Todd is not home and/or he does not willingly return the children to Kimberly upon her arrive, she will immediately call 911 for assistance. I’ve requested that you forward your Notice of Appearance in this matter. You have not. Instead, you send a snarky, unnecessary reply as if this is a game. It is not. [Ex. 6, Bates SBA022.]

Mr. Wilson then crafted an email to Griffiths that stated, “Automated-Response: Message not delivered to recipient for the following reason(s): Address blocked by addressee.” [Id.] In fact it was not blocked at all.

Ms. Griffiths replied by sending another email to Mr. Wilson at 7:02 p.m. and writing: “Thank you, Tom, for handling this matter in a professional, ethical, reasonable manner. . . . We know that you notified Todd about the orders, as well as the plan for Kimberly to pick-up the children at 6:30. Kimberly is still at Todd’s

house to pick up the children. Both trucks are at Todd's house, but he is not answering the door. . . . Kimberly is calling the police for assistance." [Id.]

Rather than act professionally or civilly, Mr. Wilson wrote another purported automated response to Ms. Griffiths stating that her message was not delivered and that Mr. Wilson blocked her email address. [Id. at Bates SBA021-22.] Mr. Wilson, in a written response to the State Bar, admitted that the purported automated response emails were not automated but manually sent by him to Ms. Griffiths. Mr. Wilson's response stated, " I did indeed send this response. It was effective in that Ms. Griffiths discontinued contacting me after hours at my home by this address." [Ex. 12, Bates SBA058-59.] We note the email address is the same one used by Mr. Wilson in all his email communications to York and Griffiths.

On December 22, 2016, Ms. Griffiths' assistant attempted to deliver the order and other documents to Mr. Wilson's office. [Ex. 5.] However, Mr. Wilson's assistants informed her that they were instructed to refuse to accept them and did not accept them. [Id.] At 3:05 p.m., Ms. Griffiths personally delivered the documents and left them with the receptionist. [Ex. 8.]

At 12:47 p.m. that day, Mr. Wilson moved to quash the temporary orders. [Ex. 36.] The motion to quash attacks the proceedings surrounding the temporary orders as being secret proceedings. Mr. Wilson knew that the court entered the temporary orders pursuant to Rule 48 of the Rules of Family Court. [Id.]

In his motion to quash, Mr. Wilson stated that the temporary orders,

... granted at 5pm last night at ExParte in chambers secret ruling held without notice or even a record of any kind, and based upon likely fraudulent information (the absence of a record of any kind, not even a minute entry, precludes certainty on what precisely as [sic] presented at the secret exparte in chambers meeting). [Id. at Bates SBA166.]

In the motion to quash, Mr. Wilson falsely accused the Judge certifying:

With no information at all from pretrial services, no information at all from the prosecutor, no information at all from the arresting officer, this Court for secret reasons not specified by any minute entry and kept forever secret by no record of any kind being created, has supplemented its own Judgment for that Judge, without the benefit of any information that Judge had before him. [Id. at Bates SBA168.]

On the same date, the court denied Mr. Wilson's motion to quash. [Ex. 33.]

On December 30, 2016, Ms. Griffiths emailed Mr. Wilson and wrote: "I'm hoping that you have now unblocked my emails, and I'm reaching out to you once again in the interest of expediting this inquiry and resolving any potential issues before our court date next week. . . [Ms. York] proposed that parenting time between [Mr. Glick] and their children be supervised. . . . Let me know how [Mr. Glick] would like to proceed regarding the suggestions herein. . . ." [Ex. 9.]

On January 2, 2017, Ms. Griffiths emailed Mr. Wilson and asked Mr. Wilson to confirm that he unblocked her email address to enable them to professionally work "in good faith to resolve any/all issues prior to our hearing on January 4, 2017. [Ex. 7.]

On January 3, 2017, Ms. Griffiths filed a Verified Petition to Modify Parenting Time and Child Support because of Mr. Glick's substance abuse. [Ex. 37.] On January 6, January 24, 2017, and January 31, 2017, the court held hearings on Griffith's motion for temporary orders. [Ex. 38; Ex. 40; Ex. 41.]

The Court ultimately ordered Glick have supervised parenting time with the children one day a week and submit to testing before and after each parenting time sessions. [Ex. 38, Bates SBA 0183.] The court entered a minute entry finding that Glick was arrested for DUI with minor children in the car, he pled guilty to child endangerment and misdemeanor DUI. Sentencing was to occur on March 14, 2017 and the court further noted this was not the first instance parenting time had been suspended because of alcohol issues, and that Glick admitted he used marijuana in the last two months. [Ex. 41, Bates SBA0191.]

CONCLUSIONS OF LAW

The Panel finds by clear and convincing evidence that Mr. Wilson violated the following: Rule 42, Ariz. R. Sup. Ct., Ethical Rules 4.2, 4.4, 8.2, 8.4(c), 8.4(d), and Rule 41(g), Ariz. R. Sup. Ct.

While the text of the Arizona ER 4.2 is nearly identical to that of the Model Rule 4.2, Arizona only incorporated portions of the comments of the Model Rule. The Model Rule 4.2 first comment states,

This Rule contributes to the proper functioning of the legal system by protecting a person who has chosen to be represented

by a lawyer in a matter against possible overreaching by other lawyers who are participating in the matter, interference by those lawyers with the client-lawyer relationship and the uncounseled disclosure of information relating to the representation.

Regardless, the text of the Rule is clear: “In representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter.” Mr. Wilson had knowledge from the clear circumstances that York was represented. *See* ER 1.0(f).

In Arizona Ethics Opinion No. 2002-02, the Committee on the Rules of Profession Conduct held that, by reason of this Rule, an attorney should not send copies of documents directly to a represented opposing party, without that lawyer’s consent. Mr. Wilson was instructed to stop and intentionally refused. The irony that he had was not even in limited representation but rather limited “courtesy” representation reveals his disregard for the Rules.

Both the language and the comment to ER 4.4 are equally clear. “A lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person...” The comment emphasizes that this includes, but is not limited to, “unwarranted intrusions into privileged relationships, such as the client-lawyer relationship.” This, Mr. Wilson intentionally did repeatedly and the primary purpose of his “means” were to shock, and intimidate.

ER 8.2 precludes a lawyer from making “a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the

qualifications or integrity of a judge...” We find the statements of Mr. Wilson about the assigned judge were made “with ‘actual malice’—that is, with knowledge of [the statement’s] falsity or in reckless disregard of whether it was false or not.” *Garrison v. Louisiana*, 379 U.S.64 (1964).

In disciplinary cases, the lawyer’s mental state—regarding whether Mr. Wilson knew his caustic pleadings were false or recklessly disregarded its falsity—is to be assessed objectively. *See In re Sandlin*, 12 F.3d 861 (9th Cir. 1993) (in view of compelling state interests served by Rule 8.2, the appropriate test is “what the reasonable attorney, considered in light of all his professional functions, would do in the same or similar circumstances”). Mr. Wilson had no objectively reasonable factual basis for these comments. They underscore what the Panel observed in Mr. Wilson during the hearing. Despite his attorney’s admirable efforts to mitigate his conduct throughout the proceedings, Mr. Wilson’s disregard for the administration of justice, the profession and the rights of others was complete.

In violation of ER 8.4(c),(d) and Rule 41(g), we find Mr. Wilson engaged in professional misconduct by his conduct and that it was prejudicial to the administration of justice.

ABA STANDARDS ANALYSIS

The American Bar Association’s *Standards for Imposing Lawyer Sanctions* (“*Standards*”) are a “useful tool in determining the proper sanction.” *In re*

Cardenas, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should consider: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*.

Duties violated:

Mr. Wilson violated his duty to the profession by violating ER 4.4 and Rule 41(g), Ariz. R. Sup. Ct. Mr. Wilson violated his duty to the legal system by violating ERs 4.2, 8.2, and 8.4(d). Mr. Wilson violated his duty to the public by violating ER 8.4(c).

Mental State and Injury:

Mr. Wilson violated his duty to the profession, thereby implicating *Standard 7.0, Violations of Duties Owed as a Professional*. Based on the evidence and testimony, the Panel finds Mr. Wilson acted knowingly, if not intentionally, and violated his duty to the profession. The Panel finds Mr. Wilson was more than willing to abandon professional conduct to obtain a benefit for his client, and at times to the potential detriment of his client with his attack on the judicial officer.

Standard 7.1 provides that disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

Standard 7.2 provides that suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.”

Mr. Wilson knowingly, if not intentionally, sent unprofessional emails to both York and Griffiths. Mr. Wilson knowingly, if not intentionally copied York on his incessant emails despite knowing that she was represented by counsel. This was in disregard of the ethical rules and professionalism. His conduct had no substantial purpose other than to embarrass or burden York and Griffiths and we find caused actual harm to the profession. Ms. York testified at the aggravation/mitigation hearing that Mr. Wilson’s emails negatively affected her view of attorneys and she remains terrified, with good cause, because Mr. Wilson intended that result.

Both *Standards* involve knowing misconduct. Notwithstanding, the State Bar requests suspension and we thereby determine that *Standard 7.2* is appropriate.

In addition, Mr. Wilson knowingly, if not intentionally, violated his duty to the legal system, thereby implicating *Standard 6.3, Improper Communications with Individuals in the Legal System*. *Standard 6.31* states that disbarment is generally appropriate when a lawyer improperly communicates with someone in the legal system other than a witness, judge, or juror with the intent to influence or affect the outcome of the proceeding, and causes serious or potentially serious injury to a party, or causes significant interference with the outcome of the legal proceeding. Mr.

Wilson was repeatedly told not to communicate with Ms. York but unrelentingly continued to communicate with her in complete disregard.

Standard 6.32 states: “Suspension is generally appropriate when a lawyer engages in communication with an individual in the legal system when the lawyer knows that such communication is improper, and causes injury or potential injury to a party or causes interference or potential interference with the outcome of the legal proceeding.” Notwithstanding, the State Bar requests suspension and we thereby determine that *Standard 6.32* applies.

Mr. Wilson also violated his duty to the public, thereby implicating *Standard 5.0*. “The most fundamental duty which a lawyer owes the public is the duty to maintain the standards of personal integrity upon which the community relies.” The conduct of *Standard 5.13* states: “Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit or misrepresentation and that adversely reflects on the lawyer’s fitness to practice law.” Mr. Wilson knowingly if not intentionally, misrepresented to Griffiths that a condition of Glick’s release was testing through Pretrial Services, and that certain emails being sent to Griffiths were automated, when Mr. Wilson manually sent such emails. *Standard 5.13* applies.

AGGRAVATING AND MITIGATING FACTORS

The Panel finds the following aggravating factors are present in this matter:

- *Standard 9.22(a)*, prior disciplinary offenses. On March 18, 2015, Mr. Wilson was admonished in File No. 13-3042 for violating ERs 1.6 and 5.3. [Ex. 43.] In this file, Mr. Wilson disposed of client files in a neighbor's trash bin without shredding them. In the hearing, he shifted the blame to his son stating that his son was responsible for throwing away the client files. [Ex. 45, Bates SBA309, 107:6-14 and Mr. Wilson Testimony, 6:40-7:05.] Additionally, on March 18, 2015 in File No. 13-3159, Mr. Wilson was admonished for conduct related to sending unprofessional emails to a client and failing to timely respond to the State Bar in violation of ER 8.1(b) and Rule 54(d), Ariz. R. Sup. Ct. [Ex. 44; Ex. 45, Bates SBA308, Wilson Testimony, 106:1-8.]

Standard 9.22(b), dishonest or selfish motive.

Mr. Wilson misrepresented to Ms. Griffiths and Ms. York that Glick was testing with Pretrial Services. At best, he did not know. At worst, he was intentionally untruthful. Mr. Wilson intentionally misrepresented to Ms. Griffiths that her emails were automatically blocked when Mr. Wilson was receiving her emails and then manually writing a response that they had been automatically blocked. On December 21, 2016, Mr. Wilson emailed Griffiths and misrepresented that he did not know that York was her client. [Ex. 10, Bates SBA000036.] Mr. Wilson knew that, the day before, Griffiths told Mr. Wilson that she represented York on a limited basis. [Ex. 2, Bates SBA000009-10.] Further, the circumstances

of his own “courtesy,” non-retained status makes his position not credible and convincingly establishes his knowledge that York was being assisted by an attorney.

Standard 9.22(e), bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency. Mr. Wilson intentionally failed to respond to his attorney and rendered his attorney unable to timely file a disclosure statement and comply with disclosure rules. He likewise assured through his misconduct that there would no participation by his attorney in the preparation of a joint prehearing statement. Mr. Wilson likewise failed to produce communications that the State Bar requested in its screening letter. [See State Bar’s Motion for Sanctions filed on February 14, 2018; SBA’s Supplement to Motion for Sanctions filed on February 22, 2018; and Entry of Judgment Filed March 8, 2018.] We recognize that “failure to cooperate with disciplinary authorities is a significant aggravating factor.” *Matter of Pappas*, 159 Ariz. 516, 527, 768 P.2d 1161, 1172 (1988).

While allegations were included within the motion for sanctions regarding obstructionist behavior, we decline to consider that conduct as an aggravating factor but did consider such inconsistent positions to measure the credibility of Mr. Wilson. He was not credible.

Standard 9.22(f), submission of false evidence, false statements, or other deceptive practices during the disciplinary proceeding. We weighed the

multiple inconsistencies in his statements and conduct in determining the credibility of Mr. Wilson. He was not credible.

Standard 9.22(g), refusal to acknowledge wrongful nature of conduct. (Denying that he violated any ethical rules in this matter). [Ex. 45, Bates SBA305, 103:12-25; and Mr. Wilson's Testimony.]

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

Mr. Wilson has been licensed to practice law in Arizona since 2001.

Mr. Wilson disclosed no mitigating factors and we find that no mitigating factors apply.

CONCLUSION

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The State Bar requested a six-month suspension. We recognize the difference six months and one day makes regarding reinstatement. This Panel finds the

disregard for the Rules to be an inexplicable pattern of Mr. Wilson. We observed his evasive testimony. He initially represented himself in filing an answer on December 29, 2017. It is telling and troubling.

Rule 48(b) makes applicable specified Civil Rules. Those applicable Civil Rules required the answer of Mr. Wilson “to fairly respond to the substance of each allegation.” “A party who intends in good faith to deny only part of an allegation must admit the part that is true and deny the rest.” Multiple times Mr. Wilson admitted in part and denied in part an allegation with no specification of what is being admitted or denied within the allegation. We do not find this to be incidental but further evidences a troubling disregard for the profession. The disturbing disregard for the administration of justice in his pleadings to the judge in the underlying domestic case raises serious concerns that there are issues at play that require proof that this conduct will not occur again. That burden should be upon Mr. Wilson.

The Panel has determined the appropriate sanction using the facts deemed admitted, the applicable *Standards*, the significant aggravating factors and absence of mitigating factors, and the goals of the attorney discipline system. Based upon the above, the Panel orders as follows:

IT IS ORDERED Mr. Wilson shall be suspended from the practice of law for a period of six (6) months and one (1) day effective thirty (30) days from the date of this Decision and Order.

IT IS FURTHER ORDERED Mr. Wilson shall comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED upon reinstatement, Mr. Wilson shall be placed on probation for eighteen (18) months to include participation in the State Bar's Membership Assistance Program (MAP) and completion of the CLE titled "Zealous Advocate or Raging Bull? Overcoming Anger in the Legal Environment."

IT IS FURTHER ORDERED Mr. Wilson shall pay all costs and expenses incurred by the SBA. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

A final judgment and order shall follow.

DATED this 24th day of April, 2018.

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

Richard L. Westby
Richard L. Westby, Volunteer Public Member

Stanley R. Lerner
Stanley R. Lerner, Volunteer Attorney Member

Copy of the foregoing emailed/mailed
this 24th day of April, 2018, to:

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

NOV 21 2017

FILED

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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**THOMAS H. WILSON,
Bar No. 020958,**

Respondent.

PDJ 2017-9119

COMPLAINT

[State Bar No. 17-0244]

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 May 24, 2001.

COUNT ONE (File no. 17-0244/Arizona)

2. Todd Glick (Glick) and Kimberly York (York) have children aged 16 and 13.
3. In June of 2006, Glick and York executed and filed a Consent Decree of Dissolution of Marriage (Divorce) With Children (family law case).
4. Glick and York attached to this Consent Decree a parenting agreement.
5. On December 7, 2016, Glick was arrested for felony driving under the influence (DUI).
6. Glick's children were in the car with him when he was arrested and one was under the age of 15 at the time.
7. On December 8, 2016, Glick was released from custody.
8. Glick's conditions of release did not include any requirement that he report to Pretrial Services or that he complete any drug monitoring as directed by Pretrial Services.
9. Commencing in December of 2016, Respondent represented Glick in his DUI case.
10. After Glick's arrest, York contacted Glick about parenting time.

11. On December 16, 2016, Respondent sent the following email to York:

“Here’s your notice and your warning. Pay attention, there won’t be a second one. You are in violation of the Courts [sic] custody order. I will bring a contempt action against you precisely Monday morning and have you served wherever you may be before noon Monday. Perhaps you should review your custody agreement. You seem to think there is a section that says ‘Ms. York may unilaterally ignore this agreement and invent her own rules, with no Court permission at all, if Todd is accused of a crime.’ If you can direct me to that section of the Court’s order, I’d be glad to apologize. But since it’s not there, you continue to exacerbate your contempt with your continuing violations of the court order. I’d encourage you to obtain your own lawyer to advise you on this issue. . . . If you’d like to coordinate my service upon you on Monday, I’d be happy to do that to avoid potential embarrassment at your workplace, as my goal is forcing you to comply with a Court order, not embarrassing you.”

12. On December 18, 2016, York responded and emailed Respondent the following: “I can’t afford to hire an attorney at this time. I was proceeding in good faith to modify the parenting time with [Glick] based on communications we have had about his willingness to abandon our regular parenting time schedule and

participate in substance abuse testing The nature and tone of your email indicates otherwise.”

13. On December 19, 2016, Respondent emailed York and wrote: “Mr. Glick was charged with DUI with the teenagers in the car. As part of the procedure, Department of Child Family Services was contacted. You really have quite a fixation with that. . . . Thanks, I read it the first 4 times you said it. Please discontinue your fixation with repeating yourself to me.”

14. On the same date, attorney Sharolynn Griffiths (Griffiths) contacted Respondent by phone on behalf of York.

15. York was present for most of this phone call between Griffiths and Respondent.

16. During this phone call, Respondent misrepresented to Griffiths that Glick was already testing for drugs/alcohol as part of the conditions of his release with Pretrial Services.

17. On December 20, 2016, Respondent sent Griffiths a text at 10:05 a.m. asking if she represented York.

18. Griffiths responded by calling Respondent's office before lunch, telling the receptionist that she represented York, and asking Respondent to call her.

19. At 1:06 p.m., Respondent sent an email to York stating: "I am aware you have consulted counsel but not retained counsel. If you decide to retain a lawyer at some point you can tell me or just have them contact me if you like."

20. Griffiths stopped by Respondent's office that afternoon but Respondent was not available.

21. At 5:06 p.m., Griffiths sent Respondent an email stating that she represented York on a limited basis.

22. In this email to Respondent, Griffiths wrote: "Ms. Kimberly York has limited financial resources. At this time I represent her for the sole purpose of discussing this matter with you in an effort to amicably resolve the immediate issue of Mr. Glick's parenting time this week and/or winter break, including his request to take the children to California to see his parents next week."

23. Griffiths further wrote that she believed that the parties could resolve the issue without court intervention but that if "Mr. Glick instead demands parenting time without implementing safety provisions to address his substance

abuse, then Kimberly will be forced to seek the assistance of the Court to protect their children's best interests."

24. Griffiths concluded this email by asking the following: "Could you please immediately provide us with proof of Mr. Glick's compliance with Pretrial Services and his ongoing urinalyses and breath tests that we discussed yesterday. . . . ?"

25. On December 21, 2016 at 1:32 p.m., Respondent sent a long email to Griffiths and copied York.

26. In this email, Respondent wrote: "I received your correspondence from shortly after 5pm last night. Unfortunately, Ms. York lacks understanding regarding 'last chance.' That was 5 days ago. You seem to have had all my emails, so this should have been clear. It's true, in the interest of appeasing Kimberly, Todd volunteered to do a great number of things. Your statement that he 'has not expressed a willingness to follow through' is comical nonsense. That Todd didn't do any of those things is ALL KIMBERLY's doing, that she FAILED to take advantage of those offers. . . . It was KIMBERLY that forced my involvement when she sent the email to Todd's mother Friday, ANNOUNCING that she was cancelling the Christmas trip. Perhaps RE-READ that email.

Nothing about Todd doing ANYTHING or ANY requests from her. Kimberly merely cancels the trip outright with NOTHING about any kind of 'safety measures', Kimberly having IGNORED ALL Todd's offers and failing to respond or act on ANY of them. SO> [sic] That ship has sailed. LET ME LAY OUT THE WAY THINGS NOW ARE GOING TO HAPPEN. THERE IS AN EXISTING PARENTING AGREEMENT IN PLACE BY COURT ORDER. . . . THAT AGREEMENT IS CURRENT AND BINDING AND UNMODIFIED. . . . ADDITIONALLY, I JUST THIS MOMENT HUNG UP THE PHONE WITH MADELINE HERNANDEZ, THE DEPARTMENT OF CHILD SAFETY SPECIALIST ASSIGNED TO THIS CASE. KIMBERLY'S MISLEADING IMPLICATIONS AND NONSENSE TO TODD'S MOTHER AND TO ME TURNS OUT TO BE COMPLETELY FALSE. THERE ARE NO RESTRICTIONS OR CONDITIONS OF ANY KIND UPON TODD'S PARENTING TIME WITH THE CHILDREN AS A RESULT OF DCS INVESTIGATION. . . . SHOULD KIMBERLY INTERFERE OR THWART EXECUTION OF THIS PARENTING PLAN IN ANY WAY I WILL PERSONALLY RESPOND WITH THE POLICE TO PURSUE

CUSTODIAL INTERFERENCE CHARGES. . . . IF SHE FAILS TO DELIVER THE KIDS ON DECEMBER 25 AT 9AM AND FORCES ME TO COME TO HER HOUSE WITH POLICE, MY LEGAL FEES FOR A CHRISTMAS DAY RESPONSE WILL BE QUITE HIGH, AND AS THIS WARNING COMES 4 DAYS IN ADVANCE, ANY SUCH UNREASONABLE ACTIONS BY HER WILL INDEED RESULT IN HER PAYING THOSE FEES. . . . HE'S NOT DRINKING, AND IF SHE WISHES TO SUGGEST OTHERWISE, SHE'D BETTER HAVE A BASIS SINCE TODD JUST FINISHED MEETING DCS AND THEY NOTED NO ALCOHOL AND I JUST HAD HIM TAKE A BREATH TEST WITH A RETIRED COP, ALSO .000. I AM AWARE OF THE PROVISION IN THE PARENTING AGREEMENT THAT ADDRESSES SUSPECTED ALCOHOL USE. SINCE TODD HAS BEEN TESTED TWICE TODAY, I WOULD CHALLENGE YOU TO SUGGEST YOU HAVE SOME GOOD-FAITH BASIS THAT HE HAS BEEN DRINKING. . . IF YOU SHOULD SUGGEST ON CHRISTMAS DAY THAT TODD HAS BEEN DRINKING, YOU BETTER BE CORRECT, AS I WILL RESPOND WITH POLICE. IF

TODD BLOWS .000 KIMBERLY WILL BE PAYING A HEFTY FEE TO ME FOR HER BOGUS ACCUSATION. . . .” (emphasis in original).

27. At 4:36 p.m. that day, Griffiths filed her notice of appearance on behalf of York in the family law case and a verified petition for ex parte temporary orders regarding parenting time.

28. Griffiths left Respondent a message informing him of the same prior to going to court that day.

29. Griffiths also filed an attorney certificate stating the following: “I have spoken with Thomas Wilson, Esq., regarding this matter. He provided me with misleading and blatantly false information pertaining to Father’s purported substance abuse testing through Pima County Pretrial Services. . . . I have personally contacted Pima County Superior Court and Pretrial Services to confirm the status of Father’s pending felony charges and conditions of his release. Based on my conversation with Pima County Pretrial Services, Father is not associated with Pretrial Services at this time and there are no substance abuse tests issued in association with his release conditions.”

30. At 4:54 p.m., Respondent emailed Griffiths and wrote: “You are aware I represent . . . Glick. If you attempt to go before a judge without notice you do so in bad faith, as this notice from me advises you I represent [Glick] and need to be provided notice of any proceedings involving him.”

31. At 5:15 p.m., the court entered temporary orders providing York with temporary sole legal decision making and exclusive residential parenting time with the children.”

32. The court also scheduled a hearing for January 4, 2017.

33. At 5:20 p.m., Griffiths emailed Respondent the following: “Judge Sanders has granted temporary orders without notice based on the circumstances. . . . Please also advise your client that he is not to discuss this matter with the children, nor with [York]. . . . Forward your Notice of Appearance to me by the end of tomorrow. . . .”

34. At 5:33 p.m. that day, Respondent emailed Griffiths: “I will advise Mr. Glick of nothing. You have a court order? I know nothing of that. You haven’t bothered to file your own notice of appearance with me, so why exactly would I be giving YOU one? Thats [sic] beyond pretentiously ignorant. You were notified 5 hours ago and intentionally avoided a response to obtain ex parte

orders in bad faith in a fraud on the court. And to suggest to me that orders are valid, orders not produced, when you could manage to interpret the existing orders in the case? Good luck, when lawyers lie to judges and conceal there [sic] knowledge regarding representation and availability of opposing counsel, its [sic] really fun for me to see them suspended.”

35. At 5:40 p.m. on the same day, Griffiths emailed Respondent and wrote: “. . . stop emailing and/or copying my client on correspondence.”

36. Respondent replied and copied York, writing: “[D]idn’t know she was your client. No notice of appearance and your statements that she couldn’t afford to hire you.”

37. At 6:07 p.m., Griffiths emailed Respondent and wrote: “. . . please review our correspondence wherein I explicitly informed you that I represent Kimberly York.”

38. Griffiths attached to this email the temporary orders, notice of hearing, and other documents.

39. At 6:26 p.m., Griffiths emailed Respondent: “If Todd is not home and/or he does not willingly return the children to Kimberly upon her arrive, she will immediately call 911 for assistance. I’ve requested that you forward your

Notice of Appearance in this matter. You have not. Instead, you send a snarky, unnecessary reply as if this is a game. It is not.”

40. Griffiths then received a response from Respondent’s email address that stated the following: “Automated-Response: Message not delivered to recipient for the following reason(s): Address blocked by addressee.”

41. Griffiths replied by sending another email to Respondent at 7:02 p.m. and writing: “Thank you, Tom, for handling this matter in a professional, ethical, reasonable manner. . . . We know that you notified Todd about the orders, as well as the plan for Kimberly to pick-up the children at 6:30. Kimberly is still at Todd’s house to pick up the children. Both trucks are at Todd’s house, but he is not answering the door. . . . Kimberly is calling the police for assistance.”

42. Griffiths then received another purported automated response from Respondent stating that her message was not delivered and that Respondent blocked her email address.

43. In fact, the purported automated response emails were not automated but manually sent by Respondent to Griffiths.

44. On December 22, 2016, Griffiths’ assistant attempted to deliver the order and other documents to Respondent’s office.

45. Respondent's assistants informed her that they were instructed to refuse to accept them and did so.

46. At 3:05 p.m., Griffiths personally delivered the documents and left them with the receptionist.

47. At 12:47 p.m. that day, Respondent filed a motion to quash the temporary orders.

48. The motion to quash attacks the proceedings surrounding the temporary orders as being secret proceedings despite the fact that the court entered the temporary orders pursuant to Rule 48 of the Rules of Family Court.

49. In his motion to quash, Respondent wrote that that he moves to quash the temporary orders "granted at 5pm last night at ExParte in chambers secret ruling held without notice or even a record of any kind, and based upon likely fraudulent information (the absence of a record of any kind, not even a minute entry, precludes certainty on what precisely as [sic] presented at the secret exparte in chambers meeting)."

50. In the motion to quash, Respondent further wrote: "With no information at all from pretrial services, no information at all from the prosecutor, no information at all from the arresting officer, this Court for secret reasons not

specified by any minute entry and kept forever secret by no record of any kind being created, has supplemented its own Judgment for that Judge, without the benefit of any information that Judge had before him.”

51. On the same date, the court denied Respondent’s motion to quash.

52. On December 30, 2016, Griffiths emailed Respondent and wrote: “I’m hoping that you have now unblocked my emails, and I’m reaching out to you once again in the interest of expediting this inquiry and resolving any potential issues before our court date next week. . . . [York] proposed that parenting time between [Glick] and their children be supervised. . . . Let me know how [Glick] would like to proceed regarding the suggestions herein. . . .”

53. On January 2, 2017, Griffiths emailed Respondent and asked Respondent to confirm that he unblocked her email address.

54. Griffiths further wrote: “Pursuant to Rule 76 and Judge Sanders’ orders, we’re reaching out again to you in good faith to resolve any/all issues prior to our hearing on January 4, 2017.”

55. On January 3, 2017, Griffiths filed a Verified Petition to Modify Parenting Time and Child Support because of Glick’s substance abuse.

56. On January 6, January 24, 2017, and January 31, 2017, the court held hearings on Griffith's motion for temporary orders.

57. Pending completion of these hearings, the court ordered that Glick have supervised parenting time with the children one day a week and that Glick submit to testing before and after each of his parenting time sessions.

58. After the hearing concluded on January 31, 2017, the court entered a minute entry finding that Glick was arrested for DUI with his minor children in the car, pled guilty to child endangerment and misdemeanor driving under the influence, and that he was to be sentenced on March 14, 2017.

59. The court further noted that this was not the first time that Glick had his parenting time suspended because of alcohol issues, and that Glick admitted that he used marijuana in the last two months.

60. The court found that it would endanger the children to allow Glick to resume his parenting time.

61. Accordingly, the court ordered on a temporary basis that Glick install an interlock device into his vehicle, that Glick shall only transport the children in the vehicle with the interlock device, that Glick submit to random urinalysis

testing twice a week, and that Glick's regular parenting time will resume after he submits verification of installation of the interlock device.

62. Respondent's conduct in this count violated Rule 42, Ariz. R. Sup. Ct., Ethical Rules 4.2, 4.4, 8.2, 8.4(c), 8.4(d), and Rule 41(g), Ariz. R. Sup. Ct.

DATED this 21st day of November, 2017.

STATE BAR OF ARIZONA



Nicole S. Kaseta
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 21st day of November, 2017.

by:



NSK:kec

FILED
NOV 02 2017
BY *H. Leber*

**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,**

**THOMAS H. WILSON
Bar No. 020958**

Respondent.

No. 17-0244

PROBABLE CAUSE ORDER

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on October 13, 2017, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 8-0-1¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 17-0244.

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

Parties may not file motions for reconsideration of this Order.

DATED this 2 day of November, 2017.



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

¹ Committee member Judge Lawrence F. Winthrop did not participate in this matter.

Original filed this 2nd day
of November, 2017 with:

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